

MHAH180013652022



Reg.C.S. 392/2022

**Indu Gavji Bhosale and others**  
**Vs.**  
**Dadu Maruti Makasare and others**

**ORDER BELOW EXHIBIT 19**

This is an application filed by plaintiffs under O.VI, R.17 for amendment in the plaint.

2. Plaintiffs have submitted that, defendants are the brothers of plaintiffs. The suit property is the ancestral property of the plaintiffs and defendants. This suit is filed by plaintiffs for partition and possession. In the suit property, plaintiffs and defendants have share. Plaintiffs have 1/6th share in the suit property. But due to typographical mistake in the plaint, it is written as 1/7th share in the suit property. This amendment is necessary for proper adjudication of the matter on merit. If the amendment application is rejected then plaintiffs will suffer irreparable loss. Therefore, plaintiffs have prayed that application be allowed.

3. Defendants have filed their say and submitted that the present suit is filed by plaintiffs on 06/06/2022. The issues are framed. This application is intentionally filed at belated stage. Due to said amendment, the nature of the suit is going to be changed. The contents of the application are not true and correct. Defendants

have prayed that the application be rejected.

4. Perused the application and say. The present suit is filed by plaintiffs for partition and possession. In the plaint, plaintiffs have submitted that they have 1/7th share in the suit property. Now, plaintiffs want to make amendment by stating the facts that they have 1/6th share in the suit property. Prima-facie the proposed amendment appears to be typographical mistake. From the said amendment, the nature of the suit is not going to change. This amendment is necessary for proper adjudication of the matter. Hence, in the interest of justice and to avoid multiplicity of proceedings, the application is allowed. Hence, I proceed to pass following order.

**ORDER**

- i) The application is allowed.
  
- ii) Plaintiffs are directed to carry out necessary amendment within 07 days and filed amended copy of the plaint on record without fail.

Place – Rahuri.  
Date - 06/04/2023.

( Smt. A. S. Wadkar )  
Civil Judge, J.D., Rahuri.

## C E R T I F I C A T E

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Name of the Stenographer	:	R. M. Aragade
Court	:	Civil Judge, J.D., Rahuri.
Order Date	:	06/04/2023
Order signed by the Presiding Officer on	:	06/04/2023
Order uploaded on	:	06/04/2023