



**ORDER BELOW EXH.19**

The present application filed by plaintiff for amendment in the plaint as per Order 6 Rule 17 of the Civil Procedure Code.

2. It is contention of the plaintiff that, partition between him and defendants has been took place as per section 85 of the Maharashtra Land Revenue Code 1966. The plaintiff at the time of filing plaint remains to show map of the partition and by way of present application want amend the plaint after para No. 2 in the plaint by inserting para No. 2A rough map of partition and after para No. 10 want to add the proceeding number and date of the partition.

3. Say filed by the defendant vide Exh. 27 and opposed the application on the grounds that, the application is not legal and tenable. It will change the nature of the suit. The proposed rough map is in contrary to the pleading of the plaintiff and pray to reject the application.

4. Perused the application, say filed by the defendants. Heard Ld. Counsel for the plaintiff and Ld. Counsel for the defendants.

5. The Ld. Counsel for the plaintiff argued that by way of proposed amendment plaintiff only want to amendment by insertion of rough map of the partition and the date and proceeding number of the partition. Per contra the Ld. Counsel for the defendants argued that the proposed map is contrary to the pleading of plaintiff.

6. On perusal para No. 5 of the plaint prima-facia there is no contrary pleading in respect of the proposed rough map. Furthermore, by way of proposed amendment the nature of suit will also not change. On the contrary by way of insertion of map it will be helpful to the court to determine the real question between the parties. Yet the trial of the suit is not commenced. Therefore, considering the stage of the suit I am of the opinion that the application required to be allowed. Hence, I pass following order.

**Order**

1. The application Exh. 19 is allowed.
2. The plaintiff is at liberty to carryout amendment within statutory period and filed amended copy of plaint on or before next date.
3. The application is disposed off accordingly.

(Pronounced and dictated in open court)

Date :- 02/05/2025

**[ Ravikiran Sapate ]**  
Civil Judge Jr. Div., Pathardi.