

Order below Exh. 21 in RCS No. 245/2009

By this application the plaintiff has sought amendment in the plaint as to the age of plaintiff no.1. It is stated that the suit is for partition by metes and bounds wherein the plaintiff no.1 Komal Gitaram Pathare was shown minor and she was being represented by her guardian i.e. plaintiff no.2 Vimal Gitaram Pathare. It is further submitted that the plaintiff no.1 is now 20 years old and therefore such amendment is required to be done. According to the plaintiff such amendment is not going to change the nature of the suit in any manner. Hence, the application be allowed. The plaintiffs want to add the following substance in lieu of the earlier mention as to plaintiff no.1.

कोमल गिताराम पठारे, वय २०, धंदा शिक्षण, राहणार मावळेवाडी,
पो. वाडेगव्हाण ता. पारनेर जि. अहमदनगर

2. The defendants have objected the application. It is stated that the application is not true and correct and it does not mention the date of birth. Hence, the application being vague be rejected.

3. After going through the submissions of both the sides it appears that the application is supported by affidavit of plaintiff Komal Gitaram Pathare herself. In my considered opinion the statement on affidavit need not be discarded. At the most the plaintiff no.1 can be directed to produce some documents to substantiate her majority of age. Hence, the following order.

ORDER

1. The application is allowed.
2. The plaintiff to carry out amendment sought within 14 days.
3. The plaintiff is also directed to produce documents to substantiate her age on next date.

Date: 04-07-2017

(A.M.Patankar)
C.J.J.D., Parner

I affirm that the contents of this PDF file order are same word to word as per the original order.

Name of the stenographer	Thorat U. B.
Name of the Court	Civil Judge (J.D.) and Judicial Magistrate First Class, Parner
Date of dictation	04-07-2017
Order signed by PO on	04-07-2017
Order uploaded on	05-07-2017