

**ORDER BELOW EXH. 13**

Plaintiffs have filed present application under Order 6 Rule 17 of C.P.C. It is submitted by the plaintiffs that they have filed present suit for declaration that sale deed No. 2901/2018 dtd. 16.05.2018 of land Gat no. 249 situated at Bhivgaon as not binding upon them. Now by this amendment they want to add the pleadings as follows:

- 1) Plaintiffs are claiming partition to the extent of 1/3rd share and sale deed No. 2901/2018 not binding on their share.
- 2) That defendant no. 1 is not legally wedded wife of plaintiff's father viz. Parbhat Dada etc.

As suit property is ancestral property all this fact are required to be brought on record. Therefore, they prayed to allow the application.

2. Defendants have filed their say and opposed application stating that the application is not maintainable as the suit property is absolute property of defendant no. 1 as per section 14 of Hindu Succession Act. Hence, prayed to reject the same.

3. Perused the application and say. Heard both sides. By this application, plaintiffs want to amend pleadings in their plaint in respect of partition and their share in the suit property. However, the suit is filed only for declaration regarding sale deed No.2901/2018 and not for partition. Thus, by allowing such kind of amendment the nature of suit will change. Which is not permissible by law. Hence, I pass following order:-

**ORDER**

Application is rejected.

Sd/-

(Smt. P. T. Shejwal-Kale)  
2<sup>nd</sup> Jt.Civil Judge (S. D)  
Vaijapur.

Date : 14.06.2019.

CERTIFICATE

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

Name of the Stenographer	: H.B.Baig
Court	: 2 <sup>nd</sup> Jt. Civil Judge [S.D.] Vaijapur
Date of the Order	: 14.06.2019
Order signed by the presiding officer on	: 14.06.2019
Order uploaded on	: 15.06.2019

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