



MHAU060008502018.

R.C.S. No.88/2018.
Premchand & oths Vs. Gaban & oths.

Order below application vide Exh.30.
(Order delivered on 26.02.2020)

1. Present application is filed by defendant no.1 for amendment in counter claim and written statement and also for adding party in counter claim under Order 6 Rule 17 and Order 1 Rule 10 of Civil Procedure Code, 1908.
2. It is contended by the defendants that, the original plaintiff nos.1 and 2 have filed present suit for partition of Gat No.57 and 58 situated at Village Garada. Defendant nos.1 to 3 have appeared and have filed their written statement. Defendant nos.1 and 2 and Valhibai Rathod have filed counter claim against plaintiff nos. 1 and 2 and Dhondibai, Malobai and Nandobai. Due to inadvertence plaintiff no.2 Chandobai has remained to be added as defendant no.5 in the counter claim. These defendants are not claiming any relief against her and she is proper party, so permission be granted for adding her.
3. The defendant no.1 has also sought amendment in para no.1 of counter claim and para no.7 of written statement. He has contended that, no prejudice will be caused to the plaintiffs if amendment is allowed.
4. The plaintiffs filed their say and submitted that, necessary orders be kindly passed.
5. Perused the application and record, heard both parties.

Following points arise for determination, finding to which, with reasons are as follows :-

Sr. No.	POINTS	FINDING
i]	Whether the defendants are entitled to the amendment as sought ?	In the affirmative
ii]	What order ?	As per final order.

REASONS

As to Point no.1:-

6. The defendants have filed present application for amendment in their counter claim and written statement. They have sought to add plaintiff no.2 as defendant in their counter claim. It appears that, the party sought to be added is necessary and considering the nature of suit she can be added. The further amendment sought in written statement and counter claim appears to be technical in nature and is also not objected by the plaintiffs and hence, can be allowed. Hence, **point no.1 is answered in affirmative**. In answer to point no.2 following order is passed.

ORDER

- 1) Application Exh.30 is hereby allowed.
- 2) Defendants are directed to carry out the amendment within 14 days.
- 3) Defendants to supply copy of amended counter claim and written statement.

Date: 26.02.2020.

**Civil Judge, J.D.,
Kannad.**

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 : K. P. Patil

Court : Pankaj K. Ahir.
C.J.J.D. & JMFC, Kannad.

Date : 26.02.2020.

Order signed by the
presiding officer on : 26.02.2020.

Order uploaded on : 27.02.2020.

Order is digitally signed on : 27.02.2020.

4.

R.C.S. No.88/2018.
Premchand & oths Vs. Gaban & oths.