

MHAU120005892018

**RCS No.- 59/2018****Sandu Vs. Rangnath****ORDER BELOW EXH. - 28**

01. This is an application filed by the plaintiff for amendment in plaint in view of Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short CPC).

02. It is the contention of plaintiff that the suit property is purchased from income of Joint Hindu Family. The 50 ares of land from suit property was come on the share of plaintiff and was in his possession for 20 years. On 26.12.2014 defendant No. 1 has purchased a stamp paper in his name and executed an affidavit in presence of witnesses, wherein he has stated to give 50 ares land to the plaintiff. In respect of that land plaintiff came ownership and is willing to amend the plaint in title clause or and prayer clause in respect of declaration ownership of 50 ares of land.

03. It is further contention that the suit of nature will not be changed. Hence, prayed to allow this application.

04. Ld. advocate for defendants has filed his say and submitted that the plaintiff has filed the suit for partition and separate possession. Now, plaintiff is claiming in respect of declaration of ownership. Therefore, the nature of suit will be changed. Hence, prayed to reject the application.

05. Heard both the sides. It appears from the record that plaintiff has claimed partition in respect of suit property to the extent of 50 ares of land. Now, the plaintiff is claiming declaration in respect of ownership of 50 ares of land along with previous relief. It appears that the relief of partition, separate possession and declaration are different. If, propose amendment is allowed, the nature of suit will be changed and it will be converted into declaration of ownership of 50 ares of land. Therefore, the application of plaintiff is not tenable. Hence, following order:-

ORDER

1. Application is rejected.

Soygaon.
Date : 05.08.2022.

[Amol B. Ingole]
Civil Judge, J.D.,
Soygaon.

CERTIFICATE

“I affirm that the contents of this [P.D.F.](#) file Order are same word to word, as per original Order”.

Name of Stenographer	:-	K. P. Dusane.
Court	:-	C.J.J.D. & J.M.F.C., Soygaon.
Date	:-	05.08.2022.
Order signed by presiding Officer on	:-	05.08.2022.
Order uploaded on	:-	06.08.2022.