

ORDER BELOW EXH.37 IN R.C.S No.986/2015

This is an application filed by the plaintiff for carrying out amendment in the plaint under order 6 Rule 17 of Code of Civil Procedure.

2) The plaintiff has contended that he has filed suit for partition of suit properties and for separate possession. He further contended that at the time of filing of suit he has mentioned the name of defendant no.6 as Hariom Indarrao Raut. According to him he came to know that the name of defendant no.6 is Omkar and not Hariom. He submitted that when defendant no.1,3 and 5 have filed their written statement and raised the objection about the name of defendant no.6 at that time he came to know about the real name of defendant no.6. Therefore, by filing this application plaintiff prayed for allowing him to carry out the amendment as prayed in the application.

3) The application is opposed by the defendants on the ground that the ground mentioned in the application is not justifiable to accede the prayer of plaintiff. He further opposed the application on the ground that the proposed amendment is not technical in nature. Lastly, he prayed for rejection of application.

4) Perused application and record of the case. The amendment sought by the plaintiff appears to be technical and formal in nature. The proposed amendment will not change the nature of suit. The issues were not yet framed in the suit. The reason mentioned in the application is well supported by the affidavit of plaintiff and the reason is found proper and

satisfactory. Considering this application is liable to be allowed.
Hence, the following order.

ORDER

- 1) The application is allowed as prayed.
- 2) The plaintiff is directed to carry out amendment in the suit till next date and to furnish copy of amended plaint accordingly.

Sd/-

Date: 16/02/2018

Place: Georai

(Nitin R. Bhalgat)

3rd Joint Civil Judge Junior Division,
Georai, Dist:-Beed