

R.C.S.No.143/2012
Balasaheb V Ganpat & oth.

ORDER BELOW EXH.45

This is an application filed by the plaintiffs under Order 6 Rule 17 of C.P. Code for adding Lrs. of defendant no.1-A to 1-D, in para no.3 of plaint. The main reason for moving this application is that during pendency of suit defendant no.1 Ganpat Bhanudas Pavse is died. Hence, plaintiffs wants to make amendment in their suit.

2] Defendants have filed their say on the leaf of application and prayer to rejection of this application.

3] Perused record it appears that, suit is for partition and possession. Plaintiffs want to bring factual position of suit property. All facts, which defendants want to bring on record is in respect of suit property. Therefore, amendment is necessary for determination of real question in controversy. It is well settled that the court has to be liberal in permitting amendment unless a serious injustice or irreparable loss is caused to other side and if the nature of the suit is not likely to be changed as a result of the amendment, it should normally be permitted. Hence, in the interest of justice, I pass the following order.

ORDER

- 1] The application Exh.45 is allowed.
- 2] Plaintiffs are permitted to added Lrs. of defendant No.1-A to 1-D in para no3 of suit as prayed within 15 days from date of this order.
- 3] Costs in cause.

(Sunita P. Paithankar)

Jt. Civil Judge J.D.

Ambad.

Date:- 03/02/2022.

CERTIFICATE

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 : R.R. Jadhav.

Court Name : J.M.F.C. & C.J.J.D., Court, Ambad

Sd/-

Steno.