

MHKO050001472011



Rahul Vilas Koravi & otrs Vs
Shripati Ramu Koravi & others

Order below Exh.69 R.C.S. No.26/2011

1) The defendant nos.2 to 4 moved this application under Order VI, Rule 17 of the Code of Civil Procedure, 1908 and prayed to add following paragraph in their written statement -

The suit property 1(a) was the self acquired property of defendant no.1. In his old age defendant no.2 maintained the defendant no.1. Therefore, defendant no.1 had a love and affection toward defendant no.2 and therefore, defendant no.1 executed a Will on 17/06/2008 in favour of defendant no.2 and thereafter, given suit property no.1(a) to the defendant no.2. But due to illiteracy the lack of knowledge defendant no.2 could not mutate his name on the revenue record of the suit property. Accordingly, defendants prayed to liberty to amend their written statement.

2) The plaintiffs strongly opposed the application and submitted that defendants moved application for a long gap only with intent to prolong the trial. They prayed to reject the application.

3) The suit is initial stage. Moving of application after a long gap cannot be a ground to reject the prayer of amendment. Another aspect is that the proposed amendment neither prejudice to the plaintiff nor change the nature of the suit and relief. Hence, I proceed to pass the following order.

ORDER

1) Application is allowed subject to costs of Rs.500/- payable to plaintiffs.

- 2) Defendants shall make necessary amendment on or before 30/12/2019.

Date: 13/12/2019
Ichalkaranji

(P. S. Bhandari)
2nd Jt. Civil Judge Junior Division,
Ichalkaranji.