

MHKO070015712021



Sou. Jayashri Ashok Maskar
V/s.
Shri. Sadanand Bapu Kadam and others

ORDER PASSED BELOW EXH. 27

1] The plaintiff is seeking amendment of plaint, in order to add the properties which are alleged to be purchased by defendant No.1 in name of his wife i.e. defendant No.1, which are more particularly mentioned in para No.2 of application.

2] According to plaintiff, said fact was not within their knowledge at the time of filing of suit, that has come to their knowledge recently. Thus, plaintiff be permitted to add description and details of said property and subsequent changes in valuation, court fees, and cause title of plaint. They also shown their readiness to pay additional court fee as per rules.

3] The defendant opposed the application on the ground to delay and maintainability. According to them, it is not tenable in accordance with law hence be rejected.

4] After perusal of suit claim, it appears that, it is for partition, declaration and injunction. According to plaintiff, alleged properties are purchased by defendant Nos. 1 and 2 from nucleus of joint Hindu family property. In such situation if application will be allowed, the trial will be fulfilled and fair. It will avoid multiplicity of proceedings and unnecessary complications during trial as well execution of decree. Unless pleadings are amended, the plaintiff can't lead their evidence. Thus, in my opinion, application is needed to be allowed. Hence, I proceed to pass following order.

ORDER

- (1) Application Exh. 27 is allowed.
- (2) Plaintiff to carry necessary amendment on or before next date.
- (3) After amendment, supply amended copy to court.
- (4) Defendants are at liberty to carry consequential amendment in their written statement if they desire but only to the extent of plaintiff's amendment.

Date –11/08/2022.
Jaysingpur.

(B.A. Gaikwad)
Civil Judge, Senior Division,
Jaysingpur.