

MHKO090001252021



**ORDER BELOW EXH. 56 IN SPL. CIVIL SUIT NO. 11/2021**

1. Perused the application. Heard Ld. Advocate for the plaintiff. The defendant filed say below Exh. 60.
2. It is averred in the application that the defendant is praying for making amendment in the written statement, on the basis of one Will executed by his father. However, said Will is not placed on record. Because of that, it has become difficult for the plaintiff to file say to the said application.
3. As per settled legal position, merit of the amendment is not required to be seen while deciding the application. However, I find that no prejudice will be caused to the defendant, if he file copy of the Will on record. Ultimately, he has to file that copy in the suit, on which he relying upon. Therefore, I find that no prejudice will be caused to the defendants, if the application is allowed. Hence, the defendants and particularly defendant No. 1 is directed to file the copy of Will, which he is referred in the application.

Date : 16.03.2023

( G. V. Deshpande )  
Civil Judge Senior Division,  
Gadhinglaj