

CNR No.- MHKO13-000716-2009

Order Below Exh.67 in R.C.S. No.167/2009.

1. The plaintiff has filed this application for the amendment of the plaint as per Order 6 Rule 17 of the Civil Procedure Code.

2. **The plaintiff's claim in the present application is as under :-**

The main suit is filed for partition and permanent injunction against the defendants. The defendant No.10 was minor at the time of filing of suit, therefore, the plaintiff as mother of defendant No.10 was appointed as a minor guardian of him. In such fact situation, now, the defendant No.10 on 20/08/2017 has turned major. Therefore, the plaintiff by way of proposed amendment wants to alter the appointment of minor guardian of defendant No.10 and thereby wants to amend the plaint as defendant No.10 turned major. Therefore, prayed to allow the amendment.

3. As against this, the defendants have filed their reply below the present application and strongly objected the application. The defendant has no authority to amend his age in the manner prayed for. Ultimately, they prayed that the application deserves to be rejected with costs.

4. Heard learned Advocates for both the sides.

5. The following points arise for consideration, the Court has recorded its findings and reasons as follows :-

No.	Points	Finding
1.	Whether plaintiff is entitled for proposed amendment as prayed ?	Yes.
2.	What order ?	Application is allowed.

REASONS

As to Points No.1 and 2 :-

6. The main suit is for obtaining partition and permanent injunction against the defendants. By way of proposed amendment the plaintiff wants to plead the suit against the defendant No.10 who at the time of filing of the suit was minor but subsequently have turned major. Therefore, by way of amendment, the plaintiff wants to implead the defendant No.10 in his own name rather than his guardian mother Smt. Saraswati Satish Bedkyale. The amendment sought is formal in nature. Moreover, the proposed amendment would in no case change the nature of the suit. Accordingly, the Court answer point No.1 in the affirmative and in answer to point No.2, pass the following order:-

ORDER

1. The application is allowed.
2. The plaintiff is directed to carry out the amendment as prayed within the statutory period.

Sd/-

Date-19/04/2018.
Place-Kagal

(A.A.K. Shaikh)
Jt. Civil Judge Jr.Dn., Kagal

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Sandip Maruti Patil (L.G.)
Name of Court	Jt. Civil Court & J.M.F.C. Kagal
Date of Dictation	19/04/2018.
Judgment signed by the P.O. on	19/04/2018.
Judgment uploaded on	19/04/2018.