

MHKO140000011981 	ORDER BELOW EXH. No. 354 IN R.C.S. 34/1981. Shri Ambaji Basargekar. Vs. Shri Babu Gawade.
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(Passed on 02/05/2023)

This application is made by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure. The application is strongly opposed by defendant by filing say vide Exh.356.

2. It is argued on behalf of the plaintiff that, they have instituted the suit for partition, possession and injunction in respect of suit property bearing RS No. 61 of village Turkewadi. After the village separation the suit property is renumbered as RS No.62. The 7/12 extract of survey No.62 was divided as per sale deed by the V.O. without preparation of sub-division map. Before the consolidation scheme RS No.62 was on map sub-divided in to 14 parts. Recently after consolidation due to village separation of Turkewadi and Vaitagwadi gat number where again changed. Hence, plaintiff permitted to carry out amendment in the description of suit land as mention in the application. The said changes in the revenue record are happened during the pendancy of suit and the same is necessary to bring on record to avoid further unwarranted litigation and effective decision of

the suit. The proposed amendment is consistent with the public record and the same will not change nature in the suit. The amendment will not affect the other side. Hence, prayed to amend the title clause by inserting the description of suit property.

3. It is argued on behalf of the plaintiff that, defendant that, the application is false baseless. The application will change the description of suit property. The plaintiff filing interim application repeatedly with ill intension to prolong the hearing and to cause lost to the defendant. Hence, prayed to reject the application.

4. Heard both side. Peruse the record. The suit is instituted for partition, possession and perpetual injunction. The proposed amendment, in my opinion is nothing but a better clarification to the pleadings. The proposed amendment will not change the nature of the suit or cause any prejudice to the defendant. The proposed amendment seems to be insertion of events that happened during the pendency of suit. I, find the application to be permissible in result following order to be passed:

:: ORDER ::

i. The application Exh.354 is allowed.

- ii. The plaintiff is permitted to carry out the proposed amendment within prescribed time limit.
- iii The plaintiff is also directed to provide the amended plaint and copy thereof, on or before next date.

Place : Chandgad
Date : 02/05/2023

(C. U. Shipkule)
Jt. Civil Judge Jr. Division, Chandgad.