


<b>MHKO140006632021</b> 	<b>ORDER BELOW EXH. No. 08 IN R.C.S. 121/2021.</b> <b>Raju Patil Vs. Ganpati Patil.</b>
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(Passed on 01/10/2021)

This application is made by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure.

2. According to the plaintiff he has instituted the suit for partition and possession. However in the title clause due to typographical mistake plaintiff have mentioned suit as per section 22 of specific relief act 1963. Hence, they prayed to amend the title clause by inserting suit as per section 06 of Hindu Succession Act, 1956.

3. The defendant strongly objected the application by filing their say at the overleaf of application.

4. Heard both side. Peruse the record. The suit is instituted for partition and possession 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. In the present suit issues are yet to frame,

hence there is no bar of the proviso to Order 6 Rule 17 of the Code of Civil Procedure. I find the application to be permissible in result following order to be passed:

**:: ORDER ::**

- i. The application 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.

Sd/-

**Place : Chandgad  
Date : 01/10/2021**

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

**CERTIFICATE**

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	Shri. S.M. Shaikh, Stenographer.
Name of Court	Shri. C.U. Shipkule, Jt.Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	01/10/2021
Judgment signed by the P. O. on	01/10/2021
Judgment uploaded on	04/10/2021