


MHKO150000012022 	<u>ORDER PASSED BELOW EXH. 48 IN</u> <u>R.C.S. NO. 1/2022</u> Laxmi Chavan vs. Krishna Shevale
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This is an application filed by plaintiff under Order VI Rule 17 of Civil Procedure Code for amendment of pleading.

2. According to plaintiff, they have filed present suit for partition and separate possession. After filing of present suit, the defendant no. 4 Rukmini Ishwar Shevale died. Therefore, the shares of parties are changed. Therefore, plaintiff wanted to amend plaint and to insert pleading in respect of changing the share of parties. They lastly prayed for allowing the application and prayed permission for amend pleading.

3. The defendants have strongly objected to application.

4. Heard learned advocate for plaintiff and defendant.

5. Perused application and record.

6. On perusing record it appears that, the plaintiff on affidavit stated that, the shares of parties are changed.

7. By way of present application and proposed amendment, plaintiff wanted to add pleading in respect of changing the shares of

parties. The present amendment is necessary for determining real question of controversy between parties. The proposed amendment does not change the nature of suit. But, it is needed for deciding matter. The proposed amendment does not harmful to the defendants. If application allowed then, no irreparable loss will be caused to the defendant.

8. Considering all above discussion I conclude that, the proposed amendment is necessary to determine real controversy between the parties. If application allowed then, no irreparable loss will be caused to the defendant. The proposed amendment does not harmful or prejudiced to the defendant. In this circumstances, the application needs to be allowed. Hence, I pass following order,

ORDER

1. The application is allowed.
2. The permission is granted to the plaintiff for amend pleading.
3. The plaintiff is directed to carry out amendment within 14 days.
4. Considering peculiar circumstance, there is no order as to cost.

sd/-

(S. P. Jadhav)

Civil Judge J.D., Ajara.

Date : 27.03.2024.

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	Mrs. Y.S. Chavan
Name of Court	C.J.J.D., Ajara.
Judgment / Order dictated on	27-03-2024
Judgment / Order typed on	27-03-2024
Judgment / Order signed by the P. O. on	27-03-2024
Judgment / Order uploaded on	28-03-2024