

MHKO150000222017



R.C.S. No. 5/2017
Nita vs. Dinkar

ORDER PASSED BELOW EXH. 49

This is an application filed by plaintiff under order VI Rule 17 of Civil Procedure Code.

2. According to plaintiff, plaintiffs have filed present suit for partition and separate possession. The defendant has filed written statement. He has denied relationship with plaintiff no. 1. Therefore, plaintiff wanted to insert the date of marriage and birth date of plaintiff no. 3 and 4. By way of present application, plaintiff wanted to clarify the pleading. They lastly prayed for allowing the application.

3. The defendant has strongly objected to amendment application. He lastly prayed for rejection of application.

4. Heard learned advocate Shri. G. J. Patil for plaintiff and advocate Shri. S. R. Powar for defendant.

5. Perused application, say and record.

6. On perusing plaint it appears that, the plaintiffs have filed present suit for partition and separate possession. On perusing the written statement of defendant, it appears that, the defendant denied relationship with plaintiff no. 1. The proposed amendment shows that,

the plaintiff wanted to insert date of marriage and relationship and birth date of plaintiff no. 3 and 4. The proposed amendment is clarification of relationship. The present amendment is necessary for determining real question and controversy between parties. The proposed amendment is needed for deciding matter. The proposed amendment does not harmful to the defendant. If application allowed then, no irreparable loss will be caused to the defendant.

7. The proposed amendment is necessary to determine real question and controversy between the parties. Hence, the application needs to be allowed. Therefore, I pass following order,

ORDER

1. The application is allowed.
2. The permission granted to plaintiff to amend the plaint accordingly within fourteen days from today.
3. Considering peculiar circumstances, there is no order as to cost.

Date : 23/02/2023.

(S. P. Jadhav)
Civil Judge J.D., Ajara.

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	23-02-2023
Judgment / Order typed on	23-02-2023
Judgment / Order signed by the P. O. on	23-02-2023
Judgment / Order uploaded on	23-02-2023