

ORDER BELOW EXH- 53.

Perused an application and say. Heard counsels for both sides. They argue in verbatim of their contents of application and say.

2. It is contention of plaintiff that, inadvertently his previous counsel could not add Block No.577 in present suit. The above land in the name of defendant no.1 and being ancestral land ought to be array in present suit. Hence, prayed to allow the application. Counsel for defendants filed say backside of the application and submitted that, no sufficient reason assigned by plaintiff. He having knowledge of all properties of family. He has filed this application after commencement of trial to prolong suit. Hence, prayed to reject the application with cost.

3. Defendants not denied contention of plaintiff in respect of Block No.577. This is suit for partition and separate possession. As a legal mandate all family properties ought to be array in suit for partition. Admittedly, issues were framed and suit posted for evidence. Plaintiff adduce his affidavit on record and now suit is pending for his cross-examination. The progress of suit and contention of plaintiff that, inadvertently he failed to array Block No.577 in present proceeding is not justifiable. As per record, meanwhile suit is pending for arraying legal heirs of defendant no.1 and to take steps against defendant no.5. Hence, it could not conclude that, trial commence in present suit.

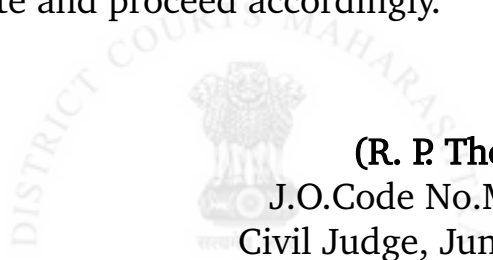
4. This is suit for partition and possession. No prejudice cause to defendants if application allowed. The proposed amendment is just for final decision of suit. However, considering the delay caused by

plaintiff some cost need to be impose over him. Thus, to answer the above discussion, I pass following order,

ORDER

1. Application stands allowed subject to cost of Rs.500/- paid to Legal Aid, Ajara.
2. After payment of cost plaintiff is permitted to carried out necessary amendment in plaint as prayed in the application within prescribed limit.
3. Plaintiff further directed to file fresh amended copy of plaint and decree on record.
4. Defendants have liberty to file their amended W. S. in response to amendment part of plaint only.
5. Parties to take note and proceed accordingly.

Place- Ajara.
Date- 20.04.2026.



(R. P. Thore)

J.O.Code No.MH02897
Civil Judge, Junior Division,
Ajara.s