

Order below Exh.59 in RCS No.360/2018

This is an application filed by plaintiff under Order 6 Rule 17 CPC for granting permission to carryout proposed amendment in the plaint as sought, on the grounds stated in the application. Defendant Nos. 1 and 4 to 9 have filed their say and raised objections. Other defendants failed to file their say. Perused application and say filed by defendant 1 and 4 to 9. Heard learned advocate Shri. P.L.Narhare for plaintiff. Defendant Nos. 1 and 4 to 9 failed to argue.

2. Record shows that plaintiff has filed this suit for partition and separate possession. Defendant Nos. 1 and 4 to 9 have contested the claim by filing their WS. Issues are framed at **Exh.39** on 25/03/2019. Plaintiff has examined himself at **Exh.41** on 23/07/2019 and his cross examination is yet to be recorded. In short, the trial is commenced. Let it be so. Considering the nature and grounds stated in the application the proposed amendment is necessary for just decision of suit. The proposed amendment is not going to change the nature of suit. No prejudice will be caused to defendant Nos. 1 and 4 to 9 if application is allowed as they will have opportunity to file their additional WS. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. Plaintiff shall carryout proposed amendment in the plaint, as sought.
3. Plaintiff shall provide copy of amended plaint to the Court and to the contesting defendants at the earliest.
4. Defendant Nos. 1 and 4 to 9 and other defendants are at liberty to file their additional WS, if any.
5. No order as to costs.

Date: 10/10/2023

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.