

:: Order below Exh. 112 ::

01. This is an application by the plaintiffs under Order-VI, Rule-17 of the Code of Civil Procedure for amendment in the plaint by adding house property for partition. As per the plaintiffs, the ancestral house is standing in the name of defendant No. 1 and from last 10 years, he is residing at Latur. The said house is in abandoned position. At the time of filing suit, plaintiffs were not aware that, said house is standing in the name of defendant No. 1. Since the suit is for partition, same is required to be added. Hence, prayed to allow the application.

02. Application is opposed by the defendant Nos. 2 to 5. As per the defendants, the present application was moved only after filing of written statement at Exh. 104. The plaintiffs were aware about existence of ancestral house standing in the name of defendant No. 1. They intentionally omitted to claim share as there is collusion with the defendant No.1. Hence, prayed to reject the application.

03. Heard both sides. Perused record. Initially, the defendant Nos. 2 and 3 failed to file written statement. Later on, they filed written statement at Exh. 104 and challenged suit on the ground of not bringing all properties for partition. After challenge by the defendant Nos. 2 and 3, the plaintiffs moved present application. The suit being for partition, all properties are required to be brought on record for proper adjudication of the matter. Therefore, application needs to be allowed. Hence, following order.:

:: Order ::

- 1) Application is allowed.
- 2) Plaintiffs to carry out amendment within fourteen days from today.

Sd/-

(U. B. Kalapagar)

Civil Judge Junior Division,

Deoni.

Date : 16-11-2019.

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	16/11/2019
Order signed by the P.O. on	16/11/2019
Order uploaded on	16/11/2019