


MHLA160009992015 	<u>R.C.S.No.72/2016</u> <u>Balaji & Ors. Vs. Ram</u>
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-:: ORDER BELOW EXH.60 ::-

This is application for amendment in the plaint under Order VI Rule 17 of the Code of Civil Procedure.

2. The plaintiffs submitted that, they pleaded nickname of legal heir No.3 of defendant. But Sanskar is name of legal heir No.3. It is become necessary to amend the plaint and add the said name. It will not change nature of suit. They prayed to allow the application.

3. On behalf of the defendants given no objection.

4. I have carefully gone through available record. The following points are arose for determination. I record my finding and reasons thereon as under -

S. No.	POINTS	FINDINGS
1	Whether proposed amendment is necessary to determine real question and controversy between parties ?	... Yes.
2.	What order ?	As per final order.

POINT NOS.1 & 2 :

5. Leaned advocate Shri. B.V. Patil for the plaintiffs and learned Advocate Shri. M.B. Patil for defendant argued at length.

6. I have carefully gone through the record and argument. This is suit for declaration of ownership. There is need of proper and all names parties on record. The plaintiff pleaded nickname of defendant No.3. There is need to correct the said name of adding original name. It will not change nature of suit or prejudice to the defendant. It will helpful to decide the suit. An opportunity is backbone of justice. If it is refused, there is apprehension of miscarriage of justice. The application deserved to be allowed subject. Hence, I answered point No.1 in affirmative and in answer of point No.2, I pass following order.

-:: ORDER ::-

- 1) The application is hereby allowed in the interest of justice.
- 2) The plaintiffs shall amend the plaint and add proposed amendment till next date vide Order VI Rule 17 of the Code of Civil Procedure.
- 3) Both parties shall expedite the suit.
- 4) Order dictated on computer and pronounced in open court.

Date : 17/01/2026.

(S.A. Surjuse)
Civil Judge Junior Division,
D e o n i.