

ORDER PASSED BELOW EXH. 32
(Passed On : 01.03.2023)

1. The present application came to be filed by the plaintiffs for amendment in plaint Under Order 6 Rule 17 of the Code of Civil Procedure. By way of present application the plaintiffs have contended that while preparing the plaint due to inadvertent mistake share has been wrongly mentioned $\frac{1}{2}$ instead of $\frac{1}{4}$ share in the body of plaint and prayer clause. They further contended that, they have filed present suit claiming relief of partition, possession. By way of present application the plaintiffs have prayed to allow them to make amendment as per their prayer.

2. Defendants have filed their say overleaf of the application. Defendants objected application. They further submitted that, by way of present amendment the nature of matter will be changed and they prayed to reject application.

3. Heard Ld. Advocates for the parties. On perusal of pleading of both the parties it clearly appears that, the plaintiffs have filed present suit claiming relief of declaration of the suit property. I have gone through the plaint and pleading of the plaintiffs minutely, which shows that, the nature of suit appears to be partition suit. Now by way of present application the plaintiffs are contending that, they are having the respective $\frac{1}{4}$ th share in the suit property and they further intends to add relief of partition in the prayer clause of the plaint.

4. Considering nature of matter if the plaintiffs are permitted to insert proposed amendment then matter can be properly adjudicated and it will be helpful to decide all controversies between the parties in the same suit. It is settled law that while dealing with application for amendment liberal view is required to be taken. Hence following order is passed..

ORDER

1. Application is allowed subject to costs of Rs.150/- paid to defendants.
2. the plaintiffs shall carry out amendment and file amended plaint on or before next date.

Navapur
Date:.01.03.2023

(Pankaj R. Phulari)
Civil Judge (Jr. Div),
Navapur.

CERTIFICATE

“ I affirm that the contents of this PDF file order are same word for word as per original order.”

Name of Stenographer	:	M. N. Ahirrao, Stenographer (Grade-III),
Court Name	:	Shri. P.R. Phulari, C.J.J.D., Navapur
Date	:	01.03.2023
Order signed by presiding officer on	:	01.03.2023
Order uploaded on	:	02.03.2023