

RCS No.70/2016
Shradha.vrs. Dilip

ORDER BELOW EXH.66

(Passed on the 27th August, 2020)

1] Applicant Pratibha Arvind Wankhede filed application under Order 6 Rule 17 of C.P.C. for amendment of pleading. She submitted that suit property is ancestral property of Late Doma. Plaintiff is having share in the property with defendant No.4. Hence, applicant want to change prayer clause No.4 and substitute that plaintiff are having 1/3 share.

2] Defendant opposed the application and submitted that applicant does not have any share. Hence, liable to be rejected.

3] Heard learned counsel for both sides. Perused documents. Suit property is admitted to be ancestral property. Therefore, during lifetime of husband, wife does not have any independent right over suit property. Husband of applicant is alive. Therefore, she does not have right.

4] As per Order 6 Rule 17 of Civil Procedure Code, amendment is require to be incorporated to determine real controversy in question between the parties. By way of this

application, no such controversy seems to be appeared. If application is allowed, it is not helpful to the court to determine controversy. Therefore, from discussion above, I pass following Order :-

ORDER

Application is rejected.

Umrer.

Dt.27/08/2020.