

MHNG110006512020



ORDER BELOW EXH.15 IN R.C.S. NO.27/2020

(Rajendra and Ors. -Vs- Shobha and Ors.)

01. This is an application filed by plaintiffs under Order-6 Rule-17 of Code of Civil Procedure for amendment of plaint. It has contended that during the pendency of suit defendant No.01 to 03 have alienated the suit land to one Sau. Ranjana Sanjay Gomekar through registered sale deed on 27.10.2023. In pursuance of it, it is necessary to add pleading in the suit. Plaintiffs are intending to add para No.5-a in respect of alleged transaction. Likewise, plaintiff have intending to add prayer 1-a in prayer clause. Likewise, plaintiffs are intending to insert in the name of Shewantabai Ratiram Raut as alias Shewantabai @ Laxmi Ratiram Raut and in the name of Subhabai Bapurao Khurpade as alias Subhadrabai Bapurao Khurpadi. As per plaintiff, nature of suit will not changed due to proposed amendment. The proposed amendment is necessary for just decision of the suit. No prejudice would be caused to the defendant if proposed amendment is allowed.

02. Defendants have strongly opposed the application on the ground that the same is filed only to prolong the suit.

03. Perused the application and say. I have gone through the record. Heard the counsel for both the parties.

04. It appears that plaintiffs intending to carry out amendment in respect of alleged transfer of suit property during the

pendency of suit and in the name of defendant No.02 and 03. The suit is for declaration and partition. The rights of the parties are involved in the suit. If the proposed amendment is allowed, nature of suit will not be changed. Likewise, no prejudice would be caused to defendants. On the other hand, it is necessary to adjudicate dispute between the parties on merit. The trial of suit is not commenced. Hence, application deserves to be allowed. Accordingly, following order is passed.

ORDER

- 01] Application Exh.15 is allowed.
- 02] Plaintiffs to carryout amendment in the plaint till next date and filed on record copy of amended plaint .

(P. K.Mutkule)

Date :- 09.04.2026

Civil Judge Junior Division,
Kuhi, Dist. Nagpur.