

Regular Civil Suit No.28/2017
(CNR No.MHNG14-000400-2017)
Kamala & others/Kothiram

ORDER BELOW EXH.19
(Passed on 09th day of July, 2019)

The plaintiffs have filed this application under Order VI Rule 17 of C.P.C. to amend their plaint.

2. According to plaintiffs, they have filed the present suit for partition and separate possession on the basis of documents they secured from the Tahsil office. However, the defendant in his written statement has pleaded that there are other properties also, which are not included in this suit. Accordingly, when the plaintiffs again applied to the Tahsil office, they got the list of entire properties standing in the name of defendant. Hence, now they want to amend their plaint by incorporating additional field numbers in para no.1. So also, they intend to amend the para no.12 of their plaint as regards court fees and jurisdiction.

3. The defendant filed his reply and opposed the application mainly on the ground that the plaintiffs deliberately avoided to plead the field numbers earlier. Lastly, he prayed to reject the application with costs.

4. Heard both the sides. Perused record.

5. The plaintiff has filed this suit against defendants seeking partition and separate possession of the suit properties. It means that a serious question as regards partition is required to be tried and decided by this suit. In such circumstances, all the properties are necessary to be brought on record. Apart from it, the field numbers which the plaintiffs seek to incorporate by way of proposed amendment are already mentioned

by the defendant in his written statement. Moreover, the proposed amendment, if allowed, is neither going to create any new defence the nature of the suit is not going to be changed. Thus the plaintiff needs to be given chance to incorporate and elaborate their pleadings regarding the alleged sale deed. Apart from this, no prejudice would cause to the defendants, as he shall have every opportunity to meet with the case. So also, in order to avoid multiplicity of litigations, the proposed amendment is necessary. Thus in my opinion, the instant application deserves to be allowed. The sum and substance of my aforesaid findings leads me to pass the following order -

ORDER

1. The application filed by the plaintiffs at Exh.19 for amendment of plaint is hereby allowed, subject to payment of costs Rs.200/-.
2. The plaintiffs shall carry proposed amendment within stipulated time and shall file the amended copy of their plaint.

Pareoni.
Date:-09.07.2019.

(N.R.Bhalgat)
Civil Judge, Junior Division,Parseoni,
Tahsil-Parseoni, District-Nagpur.

Argument heard on	09.07.2019
Order passed on	09.07.2019
Transcription ready on	09.07.2019
Order checked and signed on	09.07.2019

CERTIFICATE

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

Name of Stenographer-Abhijit Yeshwant Kulkarni