

**ORDER BELOW EXH.35
(Dated 26th November, 2024)**

The plaintiff moved this application under Order 6 Rule 17 of C.P.C. for the amendment in plaint.

2. The plaintiff contended that the present suit is filed on 11.09.2017. The defendant appeared in the Court on 15.12.2017 and filed the Written Statement on 01.08.2018. Further, during the pendency of the suit the Defendant Nos.1 to 3 and 4 prepared false, forged document and submitted in the office of Tahsildar, Parseoni on the basis of the said document got mutated their names. After got the Certified Copies of the said document it reveals that on the basis of fraud document the Defendant got mutated their names on the Revenue Record. Hence, the plaintiff wants to carry out the amendment in the plaint, in respect of the said document and the entry mutated on the basis of that false document.

3. The Defendant has filed say and strongly opposed the Application with submission that the Application filed on hypothetical grounds and facts. The amendment proposed by the plaintiff is completely based upon the false and

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hypothetical grounds. The plaintiff wants to fill-up the lacunae of their case. If the proposed amendment allowed, it will change the nature of the suit which is not at all permissible. Hence, prayed for the rejection of the Application with cost of Rs.20,000/- (Rupees Twenty Thousand Only).

4. Heard Learned Advocate for the Plaintiff and Learned Advocate for the Defendant. On perusal of record it shows that the plaintiff has filed the suit for declaration, partition and separate possession of the suit property. The plaintiff contended that during the pendency of the suit, the Defendant has executed a false Partition Deed dated 15.10.2018 on the basis of the alleged Partition Deed, they got mutated their names on the Revenue Record.

5. After the filing of the written statement and during the pendency of the suit the alleged partition deed has been executed. As considering, the nature of the suit and relief sought by the plaintiff and to decide the real controversy between the parties also for final adjudication, the proposed amendment is unnecessary.

6. The proposed amendment will not change the nature of the suit. However, the defendant shall have right to

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carry out his consequential amendment in their written statement with regards to the amendment in plaint. Considering, all these facts and circumstances, I pass following order:

ORDER

1. Application Exh.35 is hereby allowed.
2. Plaintiff to carry out necessary amendment within 14 days from the date of Order and to file amended copy of plaint on record.

Parseoni.
Date 26/11/2024

(G.O.Wankhade)
Civil Judge Junior Division,
Parseoni