



R.C.S./7/2016
Sau.Prabhavati Dhananjay Gavander Vs. Shri Sunil Shankar Wadkar
ORDER BELOW EXH.49
(Passed on 02/05/2026)

1] This is an application filed by plaintiff for amendment Under Order VI Rule 17 of C.P.C.

2] Perused the application and say. Heard learned counsel for both sides.

3] It is the contention of the plaintiff that, pending this suit the defendant No. 1 and 2 taking disadvantage of old age of defendant No. 3 has executed document will deed which was written on 14.03.2016 and executed before sub-register Chandwad on 25.03.2016 vide deed No. 926/2016 in respect of share in suit property. It is the contention of the plaintiff that, the said fact come to their knowledge when defendant has mutated their name in the revenue record and therefore the plaintiff has filed this application for amendment in the area of plaint. The defendant has filed say at Exh. 53 an objected the application the prayed to reject the application with costs.

4] The plaintiff submitted that amendment is necessary due to change of circumstances. On the contrary the Ld. Counsel for the defendant opposed application and submitted to reject an application.

5] I have perused the application and say. Amendment sought by the parties ought to be allowed to reduce the litigation

between the parties and to avoid the multiplicity of the proceeding. Delay for amendment may be penalize by imposing the cost.

6] This is the suit for partition and separate possession. Considering the facts and circumstances and the proposed amendment, is not change the nature of litigation. Also every person has right to defend his case on merit. It is also pertinent to mention here that person is bound to make mistake. No one is perfect. However, I am also of this view that, not allowing the application will result into ambiguity. Allowing application would facilitate the court to derive proper conclusion and for proper execution of decree if any. Plaintiff satisfies the test of due diligence. Hence, following order.

ORDER

1. Application Exh. 49 is allowed subject to costs of Rs.1000/- to defendant and Rs. 500/- to TLSC Chandwad.
2. Plaintiff should amend the plaint on or before the next date and file amended copy thereof.

Dated. 02/05/2026

(S.S.CHHALLANI)
Civil Judge (Jr.Dn.)
Chandwad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

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|--|-----------------------------------|
| Name of Stenographer | Namdev M. Shedge |
| Name of Court | C.J.J.D. & J.M.F.C., Chandwad. |
| Date of Dictation | 02/05/2026 |
| Judgment/order signed by the PO on | 02/05/2026 |
| Judgment/order digitally signed by the PO on | 02/05/2026 |
| Judgment/order uploaded on | 02/05/2026 |