



MHNS190007232020

Reg. Civil Suit No.54/2020

Aakash Sukhdev Ingale

Vs.

Sukhdev Karbhari Ingale

Order below Exh. 17

1. The present application has been filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure for seeking an amendment in the plaint to insert detail description of suit property.
2. Heard Lrd. Adv. Shri. D. N. Jadhav for the plaintiff at length. He submitted that the plaintiff has filed present suit for partition against defendants. He has further submitted that, the plaintiff want to insert detail description of the suit property for proper identification of same. He has further submitted that, the plaintiff has only mentioned Gat Numbers in plaint. However, four boundaries of suit property has not mentioned in suit claim. Therefore, the proposed amendment is necessary for identification of suit properties. He has further submitted that, the proposed amendment will not change the nature of suit claim. Moreover, it will not cause any hardship to defendants. Hence, prayed for allow the application.
3. Heard Id. Adv. Shri. R. L. Gotis for defendants at length. He has submitted that, the plaintiff has filed present application at belated stage. Hence, prayed for rejection of application.
4. Heard both sides at length. Considering rival submissions, and contentions of both parties, following points arise for my determination.

Sr. No.	Point	Findings
1	Whether the proposed amendment is necessary for the just decision of suit claim ?	Yes
2	What order ?	As per final order.

- REASONS -

POINT NO. 1 :-

5. Heard both side. Perused the record. The present suit is for partition. After going through the application, it appears that the plaintiff want to insert detail description of suit property. The proposed amendment will change the nature of suit claim. The trial is yet to be commenced. Hence, for proper and just decision of the case proposed amendment is found necessary. Therefore, to decide the matter on merit the application needs to be allow. Hence, accordingly, I answered point no.1 is in affirmative.

POINT NO. 2 :-

6. Considering the discussion herein above and facts and circumstances I pass the following order-

ORDER

1. Application is hereby allowed.
2. The Plaintiff is hereby allowed to carry-out proposed amendment within fourteen days from the date of this order.
3. The plaintiff is hereby directed to file amended copy of the plaint.

Sd/-

Date : 05/11/2020

Place : Yeola, Dist.Nashik.

[N.N. Chintamani]

Civil Judge, J.D. Yeola (Nashik)