

ORDER BELOW EXH. 119 IN R.C.S. NO. 55/1994

(Sanjay Namdev Bhor Vs. Rajram Yesu Bhor & Ors.)

1. The plaintiff has moved the present application for amendment of pleadings under Order VI Rule 17 of Code of Civil Procedure.

2. The plaintiff contended that, the present suit is for partition and injunction and during the pendency of suit the defendant no. 2 in the name of defendant no. 13 has purchased a land Gat No. 440 with the aid of joint nucleus. The plaintiff further contended that, in this regard the proposed amendment is necessary and he has right and interest in said Gat No. 440, hence, he prayed for allowing the application.

3. The defendants have failed to file their say. Further, the defendant no. 13 has failed to file a written statement and accordingly the matter is proceeded without her written statement.

4. Perused the record it reveals that, the present suit is for partition and perpetual injunction. The plaintiff has come with a case that the suit properties are ancestral and joint family properties wherein he has undivided share. Record shows that, by way of amendment the Gat No. 440 and defendant no. 13 is impleaded in present suit. Further, after going through the Exh.1 it is evident that, defendant no. 13 has appeared but failed to file her written statement. After perusing the present application and amendment already made it is clear that plaintiff is contending that Gat No. 440 is purchased from joint nucleus. After going through proposed amendment it seems that, it is nothing but elaboration of previous plea. Considering the nature of dispute, nature of proposed amendment I hold that, the proposed amendment is necessary

for complete adjudication of the suit on its own merit. Hence, following order.

ORDER

1. Application is allowed.
2. Plaintiff is permitted to carry out necessary amendment as prayed in the application and file the amended copy of plaint within stipulated period without fail.
3. Suit is of 1994, hence, plaintiff is strictly directed to expedite the matter.

Sinnar

Date:- 05/01/2019.

(V.S. Wagh)

Joint Civil Judge, J.D., Sinnar.