

**MHOS100013612021**



**Reg.Civil Suit No.536/2021**  
(CNR No.MHOS100013612021)

**Order below Exh.23**

01. The plaintiffs have filed this application under Order VI Rule 17 of the Code of Civil Procedure. The Ld. Counsel for the plaintiffs have submitted that, the defendant No. 3 Sundarbai Chandrakant Patil was died on 06/04/2022 at village Chikharde, Tq. Barshi, Dist. Solapur. The names of his legal heirs are already existing on the plaint. As the defendant No. 3 is expired, it is necessary to mention the word 'Died' in front of her in the plaint. They further submitted that, suit lands are transferred by the Sandipan, but in para No. 9 of the plaint in the line No. 3 and 5 suit land are sold by Chandrakant is mentioned. The said mistake is technical one. Hence, they prayed that to permit them to write Sandipan instead to Chandrakant in line No. 3 and 5 of Para No. 9. Therefore, they prayed to permit to allow the application.

02. Say of defendants was called. The defendant No.1 and 2 have filed their say and filed No objection.

03. The following points arise for my determination and I have recorded my findings thereon for the reasons stated herein below :

<b><u>Sr. No.</u></b>	<b><u>Points</u></b>	<b><u>Findings</u></b>
1	Whether the proposed amendment is necessary to resolve the real controversy between the parties ?	<b><u>Yes.</u></b>
2	Whether the proposed amendment will change the basic nature of the suit ?	<b><u>No.</u></b>
3	What order ?	<b><u>Application is Allowed.</u></b>

### **REASONS**

#### **As to Point No. 1 to 3 -**

04. The point No.1 to 3 are co-related to each other, hence I have taken up them together for discussion.

05. Read application and say. Heard. Perused the record and documents. On perusal of record it reveals that, defendant No. 3 died on 06/04/2022, his legal heirs are already brought on record. As the defendant No. 3 is died on 06/04/2022, the plaintiffs wants to mentioned the word 'Died" in front of his name. Further line No. 3 and 5 of the para No.9 by inserting name of Sandipan in place of Chandrakant.

06. The proposed amendment will not change the basic nature of the suit and will not cause any loss to the defendants. On the other hand, so as to resolve real controversy between the parties and to decide the matter on merits and to avoid multiplicity of proceeding, the proposed amendment deserves to be allowed. On the other hand, defendant No. 1 and 2 have filed their no objection for proposed amendment in plaint. Hence I proceed to pass following order.

**ORDER**

- 1) The application is hereby allowed.
- 2) The plaintiffs are hereby directed to carry out the proposed amendment till next date.
- 3) The plaintiffs are hereby directed to file the copy of amended plaint accordingly.

Date : 08/08/2022

( J. S. Gaikwad )  
Civil Judge Junior Division,  
Washi.

**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.

Name of Stenographer	---	A.A. Joshi, Stenographer, (Grade-III)
Court	---	Civil Court,Washi,Tal.Washi, Dist.Osmanabad
Date	---	08-08-2022
Order signed by the presiding officer on	---	08-08-2022
Order uploaded on	---	08-08-2022

