

MHPU180008292014



R.C.S. No. 127/2014

Hanumant

Vs.

Bhiva & Ors.

ORDER BELOW EXH.144.

(Passed On 22/09/2025)

The plaintiff has filed the present application under Order VI Rule 17 of the Code of Civil Procedure seeking permission to amend the plaint to correct the name of defendant No. 3, currently mentioned as *Kamabai*, to reflect her alias, *Sakkubai Sidhu Shingate*. It is the contention of the plaintiff that *Kamabai* and *Sakkubai* are the same person. However, the suit was initially filed in the name of *Kamabai*, as that was the name appearing in the land record extracts. The said *Kamabai* is now deceased, and her death certificate records her name as *Sakkubai Sidhu Shingate*. Therefore, the plaintiff seeks to amend the plaint to reflect the correct name as *Kamabai @ Sakkubai Sidhu Shingate* in order to avoid any ambiguity and to properly represent the deceased defendant.

2. The plaintiff further submits that the confusion has arisen due to the use of different names in different official documents while the 7/12 extract mentions the name as *Kamabai*, the death certificate records the name as *Sakkubai*. It is submitted that both names refer to the same individual and that the amendment is necessary for the just adjudication of the case. The plaintiff also relies on the death certificate of *Sakkubai Sidhu Shingate*, who passed away on 05/12/2022, as well as the death certificate of her son *Somnath Sidhu Shingate*, who died on 18/10/2011.

3. On the other hand, the defendant has opposed the application by filing a say. It is submitted that the suit was instituted in the year 2014, and the plaintiff has now, in 2025, sought to amend the plaint to correct the name of defendant No. 3. The defendant argues that the application is delayed and unsupported by any affidavit from a relative confirming that *Kamabai* and *Sakkubai Shingate* are the same person. Thus, the application is not sustainable and deserves to be rejected.

4. Heard both side. Perusing the record, this Court finds that the application is indeed supported by an affidavit. It appears from the record, that both *Kamabai* (as mentioned in the plaint) and *Sakkubai* (as mentioned in the death certificate) resided at the same address Pimpri Sandas, Taluka Haveli, District Pune and that the husband's name, *Sidhu Shingate*, is consistently reflected in both records. The application is also supported by an affidavit of the plaintiff, *Hanumant*, who states on oath that *Kamabai* and *Sakkubai Sidhu Shingate* are one and the same person.

5. In addition, the plaintiff has also filed an application to bring on record the legal representatives of the deceased defendant, wherein the name of *Somnath Sidhu Shingate* is mentioned as her son. The death certificate of *Somnath* also records the name of his mother as *Sakkubai*, further supporting the plaintiff's claim.

6. The documents placed on record, including the death certificates and address details, lend sufficient support to the plaintiff's claim that *Kamabai* and *Sakkubai* are the same individual. The amendment sought is formal in nature and does not alter the fundamental nature of the suit. The legal heirs of

Kamabai @ Sakkubai have not raised any objection on this ground.

7. Although the suit was filed in 2014, the clarification regarding the alias name was discovered only after the issuance of the death certificate. Hence, the delay in filing this application is condonable. Denying the application at this stage would cause irreparable harm to the plaintiff, whereas no significant prejudice would be caused to the defendant, who would still have the opportunity to contest the matter on merits. Accordingly, this Court is of the view that in order to effectively adjudicate the real controversy between the parties, the proposed amendment deserves to be allowed. However, considering the delay in filing the application, costs is warranted. Thus, I pass following order.

ORDER

- 1) The application below Exhibit 144 is hereby allowed, subject to payment of costs of Rs.750/- to the contesting defendant. The plaintiff shall pay the said costs to the defendant on or before the next date of hearing.
- 2) Upon compliance with the above condition, the plaintiff is granted permission to carry out the proposed amendment in the plaint within 14 days from the date of this order.
- 3) The plaintiff shall also file the amended copy of the plaint on record as early as possible thereafter.
- 4) Both parties to take due note of this order.

Daund.
Dt. 22/09/2025.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

I affirm that the contents of this PD.F file, Order are same, word to word, as per the original order.

Name of the Steno :- Deepak A. Merukar, Grade-3
Court / Panel :- (A. S. Shaikh)
4th Jt. C.J.J.D. & Judicial Magistrate
First Class (Court No. 4) Daund.
Order / Judgment date :- 22/09/2025.
Order / Judgment singed by :- 22/09/2025.
the Presiding Officer on
Order/ Judgment uploaded on :- 23/09/2025.