



R.C.S. No. 186/2020
Laxman & Ors.
Vs.
Sampat & Ors.

ORDER BELOW Exh.19.
(Passed on 23/03/2022)

This is an application filed by plaintiffs under order VI rule 17 of The Code of Civil Procedure as under.

2. According to plaintiffs the suit is for partition, declaration with injunction wherein partition sought in respect of ancestral property. While drafting the suit some mistakes occurred in respect of survey numbers. Furthermore, inadvertently four boundaries of the suit properties remain to be mentioned while institution of the suit. Furthermore, some defendants also yet to be added as a party defendants in the suit. Therefore, by filing this application plaintiffs intends to add said portion. No any nature of the suit will be changed in the event of allow the application. Hence, this application.

3. The defendants have filed their say to this application and strongly opposed the same contending that, present application is not maintainable and tenable in the eyes of law. The plaintiffs filed this false application after laps of two years. Nature of the suit will be changed in the event of allowing the application. The plaintiffs have filed this application only with intent to harass to these defendants. No need to add as a party defendants to those persons to whom plaintiffs intends to add in the present suit. Hence, these defendants prayed to reject the present application.

4. Perused the application and say. Both the Ld. Advocates and parties are absent when called out. Their application and say be treated as their argument and proceed

further. It appears that, plaintiff intends to add some persons as a party defendants in the suit and also intends to add four boundaries of the suit property. The plaintiffs also intends to get correct some portion in respect of survey number also. As is the suit for partition and declaration, nature of the suit will not be changed in the event of allowing the application and it would be helpful to decide the real controversy in between parties to the suit. Furthermore, the hearing of the suit is yet to began. Therefore, considering all things no any hurdle found to allow the application. Hence, I proceed to pass following order.

ORDER

1. Application is allowed.
2. The Plaintiffs are hereby directed to carry out necessary amendment specifically mentioned in the application within 14 days.
3. No order as to costs.

Date : 23/03/2023.

(Sharad B. Kaldate)
Jt. Civil Judge (Jr. Dn.)
Daund.

Certificate

I affirm that, the contents of this PDF are same words for words, as per the original judgment.

Name of Stenographer : D. A. Merukar, Grade-3

Upload on : 24/03/2023.