



Radhabai Balu Shinde

Vs

Vithhal Bhikaji Thorat

ORDER BELOW AMENDMENT APPLICATION DATED 04/02/2025

Plaintiff has filed the present application for amendment under Order 6 Rule 17 of the Code of Civil Procedure 1908 ("C.P.C.")

2. The said application is filed on 04/02/2025. The first order passed on 01/01/2025. The matter is pending for summons report. Therefore, say of defendants is not necessary for deciding this application.

3. Heard Ld. Advocate for plaintiff at length. Considered his submissions.

4. The Ld. adv. for the plaintiff submitted that the present suit is for partition, declaration and injunction. At the time of filing the suit block No.620 admeasuring 0 H 56 R at Mauje Chandoli Budruk, Tal. Ambegaon, Dist. Pune this property was inadvertently not added in the suit property. This property is the ancestral property of plaintiff and defendants. The present suit is filed by plaintiff against defendants for partition. Hence, it is essential and necessary to include aforesaid property in the suit property to decide suit on merit. Hence, he prayed to allow the application.

5. Perused application and documents. The present suit is for partition, declaration and injunction. At the time of filing the suit block No.620 admeasuring 0 H 56 R at Mauje Chandoli Budruk, Tal. Ambegaon, Dist. Pune this property was inadvertently not added in the suit property by plaintiff. On perusal of 7/12 extract of block No.620 it appears that this block Number is in

the name of Shri. Bhika Maruti Thorat who is father of plaintiff and defendant Nos.1 and 2. Prima facie it appears that this property is the ancestral property of plaintiff and defendants. Therefore, it is necessary to add the property in the suit property otherwise suit is bad for principle of common hotchpotch.

6. The said amendment is technical and formal in nature. No prejudice would cause to the defendants, if the proposed amendment is allowed. Hence, it is essential to grant permission to the plaintiff to carry out proposed amendment as mentioned in the present application in the interest of justice. Hence, I pass following order.

ORDER

- 1) The application is allowed with costs.
- 2) The Plaintiff shall carry out the amendment as per present application within 14 days from the date of the order and supply the amended copy of the plaint to the defendants and the court.

Dt : 28/03/2025
Ghodegaon,

Sd/-
(Sneha Sunil Pulujkar)
2nd Jt. Civil Judge Junoir Divison,
Ghodegaon , Dist. Pune.

CERTIFICATE

I affirm that the contents of this P.D.F file are the same word for word as per the original order / Judgment.

Name of the Court	: Smt. S. S. Pulunjkar, 2 nd Jt. C.J.J.D. and J.M.F.C., Ghodegaon, Dist. Pune.
Name of the Steno	: J. S. Kaite, Steno Grade - III.
Order / Judgment date	: 28/03/2025
Order / Judgment signed by P.O. on	: 28/03/2025
Order / Judgment uploaded on	: 28/03/2025