

ORDER PASSED BELOW APPLICATION EXH. NO.86

(Passed on this **02nd Day of February, 2019**)

01] The plaintiff made this application on affidavit under **Order VI Rule XVII of Civil Procedure Code, 1908** for amendment of plaint by addition of defendant No.02 Smt. Sunita @ Ashwini Dhondur Gosavi.

02] The opponent filed say and objected.

03] Heard arguments of both sides.

04] It is important to note that, the proposed amendment is in respect of addition of defendant No.02. Upon perusal of plaint it is clear that, the plaintiff and the defendant are sisters. The plaintiff challenged alleged **Will** executed by her father in favour of the defendant. It is also clear from the Written Statement **Exh.No.15** that, the defendant has raised objection of non joinder of necessary party. Hence, the amendment sought is just for the final decision of the suit. However, the plaintiff is not diligent in amending the plaint.

05] Hence, while allowing the application at this stage of hearing certain cost needs to be imposed on the plaintiff to meet the ends of justice. In the result following order will meet the ends of justice.

O R D E R

01] The amendment application Exh.No.86 stands allowed subject to cost of Rs.1,000/- (In words One Thousand Only). Out of above cost Rs.500/- be paid to the defendant and Rs.500/- to the State.

02] The plaintiff is allowed to amend plaint by adding name of defendant No.02 Smt. Sunita @ Ashwini Dhondur Gosavi.

03] The plaintiff shall carry out amendment and file consolidated plaint till next date.

04] Cost of the application in the cause.

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(Subhash L. Phule)
(MH. RG. 0009 - 2125)

Place : Roha. Civil Judge Junior Division, Roha.
Date : 02.02.2019. District Raigad.