CNR No. MHSI070003512025
Order passed below Exh. No.139
in R.C.S. No. 86/2025

The present application has been filed by the plaintiff seeking amendment of the plaint. It is the contention of the plaintiff that defendant Nos. 28 and 29 have expired. Defendant No. 29 died unmarried and therefore her name is required to be struck off from the array of defendants. It is further contended that defendant No. 28 expired leaving behind her legal heirs, who are required to be brought on record as defendant Nos. 91 to 96. The plaintiff has also sought to bring on record the genealogy of the family. It is submitted that the proposed amendment is necessary for deciding the real controversy between the parties. Hence, the plaintiff has prayed for allowing the application.

2. Defendant Nos. 1 to 95 have filed their say at Exh. 140 and have stated that they have no objection if the present application is allowed.

3. I have heard the learned Advocate for the parties and perused the record.

4. By way of the proposed amendment, the plaintiff seeks to delete the name of defendant No. 29, as she died unmarried and has no legal representatives. The plaintiff also seeks to bring on record the legal representatives of defendant No. 28 as defendant Nos. 91 to

96. The plaintiff further seeks to place on record the genealogy of the family. The present suit is for partition. Therefore, the presence of all legal heirs and the genealogy of the family are necessary for deciding the real controversy between the parties and for determining the respective shares of the parties. The proposed amendment will not change the nature of the suit. Therefore, the application deserves to be allowed. Hence following order,

	ORDER
1.	The application below Exh. 139 is allowed.
2.	The plaintiff shall carry out the amendment as prayed for.
3.	After carrying out the amendment, the plaintiff shall file an amended copy of the plaint on record.
4.	No order as to costs.
	(Pronounced and dictated in open Court.)

Place : Malvan
Date : 11/03/2026

M.K.Fakih
Civil Judge (J.D.) Malvan.