



CNR NO. MHSI070005782017
Order passed below Exh. No.61
(I.A.No.5/2024) in R.C.S. No.91/2017

This is an application preferred by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure.

2. The plaintiff has contended that the defendant no. 1 has filed the written statement and objected the suit claim contending that house no. 252 situated at village Rathivade is not included in the suit claim. Therefore, in order to avoid any technical difficulty the plaintiff is intended to include house no. 252-A and house no. 252-B in the suit claim. Therefore, the plaintiff prayed that allow the application and permit the plaintiff to include the said house in the suit claim and allow to carry out consequential amendment in para no 2 of the application.

2. The defendants have resisted the application by fling say on overleaf of the application. It is contended that if the proposed amendment is allowed it will caused prejudice to the defendants. Therefore, prayed to reject the application.

3. Heard, both sides. Both sides have reiterated the contentions raised in the application and say. The present suit is filed for declaration, partition and possession of the separate share. In order to affect complete and final partition, it is necessary to include all the properties of the joint family. The defendants have not objected to include the house property in the suit claim. Moreover, no prejudice will be caused to the defendants by inclusion of the said property and carrying out

proposed amendment. Therefore, the plaintiff needs to be permitted to carry out the proposed amendment. Thus, the application filed by the plaintiff is liable to be allowed and accordingly I pass following order.

ORDER

1. The application at **Exh.61** is hereby allowed.
2. The plaintiff shall pay additional court fee, if any, after the inclusion of proposed suit property i.e. house bearing no. 252-A and 252-B situated village Rathivade.
3. The plaintiff shall carry out amendment on or before next date from the date of order and provide amended copy of plaint to defendants free of Costs.

(Pronounced and dictated in open Court.)

Place : Malvan
Date : 12/11/2024

Mahesh R. Devkate
Civil Judge Jr.Dn., Malvan.