



ORDER BELOW EXHIBIT 159 IN R.C.S. 41/2020
[Karumnisa Bandar Vs. Najmunissa Bandar & Ors.]

This is an application filed by the plaintiff under O. VI, R.17 of the Code of Civil Procedure for amendment in the plaint.

2. The plaintiff has submitted that, the suit is filed for partition, possession and declaration. In para 9 of the plaint, it is contended that, on 10th April 2018 plaintiff asked defendant no.1 to 4 partition and separate possession of her 1/6th share in the suit property. But inadvertently, in para 13 of the plaint the date is mentioned as 10th May 2018 instead of 10th April 2018. There prayed for amendment in respect of the same. The amendment sought by the plaintiff is technical in nature. It will not change the nature of the suit as well as will not cause any prejudice to defendants. Therefore, plaintiff prayed to allow the application.

3. The defendants filed their say Exh.160 and denied the contents of the application. They submitted that, previously plaintiff amended the suit for four to five time. The issues are framed and hearing of the suit is started. Hence, the prayed for reject of the application and in the alternatively prayed for heavy costs.

4. Perused the application. Heard learned advocate for plaintiffs and defendants. The present suit is filed by the plaintiff for partition, separate possession and declaration. On perusal of para 9 of the plaint, it is seen that, plaintiff demanded partition and

separate possession from defendant no.1 to 4 on 10th April 2018, but in para no.13, the date is mentioned as 10th May 2019. The amendment sought by the plaintiff is technical in nature and it seems necessary for the proper adjudication of the matter and to avoid multiplicity of proceedings. The plaintiff filed is affidavit of examination in chief and the matter is pending from his cross examination. Furthermore, no prejudice will be caused to the defendants if the application is allowed, as they have opportunity to cross examine the plaintiff. The present matter is more than five years old. The plaintiff did not given any explanation regarding delay for filing present application. Considering delaying conduct of plaintiff, for the interest of justice, by imposing costs, application deserves to be allowed. Hence, I proceed to pass following order.

ORDER

- i) The application is allowed subject to cost of Rs. 300/- (Rs.Three Hundred) to be deposited in Taluka Legal Services Authority, Miraj, on or before next date.
- ii) The plaintiff is directed to carry out proposed amendment and to file on record a copy of the amended plaint within 14 days without fail.

Place – Miraj.
Date - 01.12.2025.

(Smt. P.D.Gaikwad)
2nd Jt. Civil Judge, J.D.,Miraj

CERTIFICATE

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

Name of Stenographer	:- Mr. U.PPatil			
Name of Court	:- 2 nd Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Miraj, Dist., Sangli.			
Date of decision / typed	:-	01	12	2025
Judgment/order signed by the PO. on	:-	01	12	2025
Judgment/order uploaded on	:-	01	12	2025