

ORDER BELOW EXH.104 IN R.C.S.No.11/2012

1- The plaintiff has filed present application for amendment under order 6 rule 17 of Code of Civil Procedure. It is the contention of plaintiff that she is illiterate person, therefore, she could not bring all the properties under common hotch-potch. The plaintiff wants to add property A/1 in schedule A which is the ancestral and joint family property. Accordingly, she wants to add the defendant no. 14 to 21 whose names are present on 7x12 extract of the said property. It is the contention of the plaintiff that the proposed amendment is technical in nature and it will not change the nature of the suit or cause any irreparable loss to defendants. Lastly, prayed that application be allowed.

2- The defendant no.8 has filed his say at Exh.107 stating that application is not tenable after lapse of five years. The reason given by the plaintiff for proposed amendment is not justifiable. Lastly, prayed that application be rejected with costs.

3- Heard learned advocate for plaintiff and defendants at length. On perusal of application, say and stage of the proceeding, it appears that plaintiff wants to add one property

in schedule A and accordingly defendants whose names are appeared on the 7x12 extract of land gat no.161 situated at village Jadhavwadi, Tal.K-Mahankal, Dist.Sangli. The plaintiff has filed present suit in the year 2012. She has to file suit with proper care and caution. However, in order to decide the matter finally between the parties and in order to avoid multiplicity of proceeding, proposed amendment appears to be necessary. The proposed amendment will not change the nature of the suit or cause any loss to defendants. The proposed amendment appears to be technical in nature and it is required to be allowed subject to cost. Hence, the order.

ORDER

1. The application Exh. 104 is allowed subject to cost of Rs.200/- to be paid to defendant no.8 on or before next date.
2. The plaintiff is permitted to carryout necessary amendment in plaint within 14 days from the date of this order.

Date : 14/02/2018

Kavthemahankal.

Sd/....

[Manoj C. Nepte]

Jt. Civil Judge Junior division

Kavthemahankal.