



Order below Exh.46 in RCS 25/2013

Mahadev Sankha Vs Sunil Sankh and Ors

(CNR-MHSN080000652013)

The application is for amendment under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (the C.P.C).

2 Perused the application, say, and the record.

3 Heard, both the sides.

4 The suit is for partition, and other consequential reliefs. The contesting defendants have filed the written statment and objected to the claim. The learned predecessor has framed issues below Exh.26. The suit has travelled through various stages inter-alia death of plaintiff 3, brining on record her L.Rs etc., The plaintiff has filed his affidavit in lieu of examination in chief below Exh. 68. The part cross-examination is on the record.

5 The following points arose for my determination to which I record my findings together with the reasons thereof.

Sr.No	Points of determination	Findings
1	Does the plaintiff prove that the proposed amendment, is necessary for deciding the real controversy between the parties under Order 6 Rule 17 of the C.P.C?	Yes
2	What order?	As per the final order

Reasons

Point 1

6 It is settled law that amendment of pleadings, has to be liberally allowed at pre-trial stage, for the facts may be said not to be covered by proviso to Order 6 Rule 17 of the CPC.

7 On perusal of the Village Form No.7 and 12 of the suit property vis-a-vis ME 11976 defendants 14 to 17 sold the part of the suit property i.e. Gat No. 861 to the proposed defendant 18 Basvraj on 24/06/2025. The same is during the pendency of the suit. This is a subsequent event having direct bearing on the final out come of the instant suit.

8 The application is premised on the ground, that during the pendency of the suit, the PoA of the plaintiffs executed several registered deeds and thereby entered into transactions and therefore, necessary amendment has been sought. Further, deceased plaintiff 1 has executed Will favor of plaintiff 2 in respect of Gat No.442/2 dt. 29/12/2023 which is a registered document. Therefore, the same has also challenged by way seeking a decreetal decree.

9 The suit is of 2013. The execution of the registered deed, and the will may be termed as subsequently events. The other side has not seriously objected to the same. The same appears to be necessary for deciding the real controversy between the parties. The subsequent events have a direct bearing on the final outcome. The subsequent events bring the case within swip of due diligence. Accordingly, all the points for determination are answered. Costs follows the event. Hence, the following

Order

The application is allowed.

2 The plaintiff is to carry out the proposed amendment forthwith, and file on record duly amended copy by tomorrow.

3 The defendants to file amended written statement, if required.

4 Costs in the cause.

Jath
Date:18/09/2025

(Sanjay P.Bunde)
Jt.C.J.J.D, Jath