

Order Below Exh. 26 in RCS No. 32 /2020
(Smt. Premlata Bhaurao Pawar Vs Smt. Krishnabai Balkrishna Jadhav
and other)
(CNR NO.MHSN08000178-2020)

This application is filed under Order 6 Rule 17 of the Code of Civil Procedure for amendment in the name of the plaintiff that, before marriage the name of the plaintiff was Kamal Vitthal Jadhav. After marriage, the name of the plaintiff is Premlata Bhausaheb Pawar. However, in the plaint, it is typed as Premlata Bhaurao Pawar. Further, the defendant No.1 died on 04/10/2020 and as there is no legal heirs to the defendant No.1, the plaintiff prayed to delete her name. Further the names of daughters of the defendant No.6 are remained to be entered in the suit as the defendant Nos. 7 to 9. Therefore, for addition of these defendants names on record, the plaintiff constrained to file present application.

2. The Ld. Advocate for the defendant No.3 opposed the application on the ground that the application and prayer against the law and the application is filed to prolong the matter. Hence, submitted to reject application on heavy cost.

3. Heard both sides. Perused record and documents on record. I have considered following points for determination and recorded my findings thereon with reasons mentioned as follows:-

Sr. No.	Points	Findings
1.	Whether the proposed amendment is necessary for the purpose of determining the real question in controversy between parties ?	Yes
2.	What order ?	As per final order.

REASONS**As to Point nos. 1 and 2 :-**

4. Heard both sides. Perused record and proceeding. On perusal of record it appears that, the plaintiff want to correct her name and also wants to add her name after the marriage. Therefore, this being the technical correction in the name of the plaintiff, can be allowed. Further it appears that Krishnabai Jadhav, the defendant No.1 died on 04/10/2020. According to the plaintiff, the defendant No.1 has no any legal heirs and therefore, her name is to be deleted from the proceeding. Further on perusal of record, it appears that names of Deepika Pawar, Rupali Pawar and Sheetal Singh are discloses from the 7/12th extract of the suit properties and those are remained to be added as the defendants. Suit is for partition. Therefore, all the parties are necessary. Hence, there is no hurdle to add the defendant Nos. 7 to 9 as party/defendants as prayed by the plaintiff. Considering above discussion, I answer point no.1 in the affirmative and in answer to point No.2, I pass the following order.

ORDER

1. Application is allowed.
2. The plaintiff shall carry out the amendment within 14 days from the date of order and furnish amended copy of the plaint within stipulated period.
3. Cost shall in main cause.

Jath
Date: 03/07/2023

(Amarjeet B. Jadhav)
Joint Civil Judge, Junior Division,
Jath.

I affirm that the contents of this P.D.F. file order/judgment are same word for word as per original order.

Name of steno : Shri. I.G. Ainapure,
(Stenographer Grade – III)

Name of court : Shri. Amarjeet B. Jadhav,
Jt. C.J.J.D.& J.M.F.C., Jath,

Order Date : 03.07.2023

Judgment/order signed
by Presiding Officer on : 03.07.2023

Judgment/order
uploaded on : 11.07.2023