

MHSN110001692012



RCS NO. 62/2012  
(Kishor Mohan Rakshe Vs. Shivaji Bhagwan  
Patil)

**ORDER BELOW EXHIBIT 94**

1. This is an application filed by the plaintiff under order 6 rule 17 of Code of Civil Procedure.
2. It is the contention of the plaintiff that, the suit is filed for partition. It is further contended by the plaintiff that, the name of defendant no. 10(3) is Rani Suresh Kale and it is mentioned in the application filed below exhibit 66 as Priyanka Rajendra Kale. Therefore, plaintiff is requested to delete the name Priyanka Raju Kale and instead of that, insert the name Rani Suresh Kale as defendant no. 10(3) in the application filed exhibit 66. Due to the proposed amendment, there would be no change in the nature of the suit. Hence, prayed to allow the application.
3. Defendant have file say overleaf the application and resisted the same. The plaintiff have denied all the contentions raised in the application. It is contended that, at this stage plaintiff is not entitled to file the present application. The application is filed to prolong the matter. The proposed amendment will change the nature of the suit. Hence, prayed to

reject the application on cost.

4. Heard both the Advocates. I have gone through the contentions in the application which are supported in affidavit which shows, the correct name of proposed defendant no. 10(3) is Rani Suresh Kale. The record shows, number of times notice was issued in the name of Priyanka Rajendra Kale but it was returned as unserved. The matter is old one and it is just and necessary to proceed further by making the proposed amendment so as to serve the notice to proposed defendant no. 10(3). Hence, no prejudice would be caused to the defendant in case the application is allowed as prayed. Hence, I proceed to pass following order.

**ORDER**

1. The application vide exh.94 is allowed.
2. Plaintiff is permitted to carry out amendment in application exh. 66 as prayed in the application today.
3. The amendment being minor. No need to file copy of amended application.
4. Cost in cause.

Date: 03/03/2025.

( **R.B.Kulkarni** )  
Jt. Civil Judge Jr. Dn., Atpadi.

Certificate

I affirm that the contents of this PD.F file order are same, word to word, as per the original order.

Name of the Stenographer - A.R. Jadhav  
Court - Jt. CJJD and JMFC, Atpadi.  
Date - 03/03/2025  
Order signed by the  
Presiding Officer on - 03/03/2025  
Order uploaded on - 04/03/2025