Order below Exhibit 46 in Regular Civil Suit no. 159/2014
(Gayabai Gotpagar V/s. Bhalchandra Pratap & Ors.)
(CNR No. MHSN130005732014)

The plaintiff has filed the present application under Order 6 Rule XVII of the Code of Civil Procedure.

2) The plaintiff contended that the present suit is instituted for partition, possession, declaration and injunction. He further contended that, the plaintiff has mentioned the properties in the plaint. But some properties is not included. This properties mentioned para no.3 is also required to be included in the plaint. The said amendment would not change the nature of the suit. Hence prayed to allow the application.

3) The defendants resisted the application contending that the contents in the application are not true and correct. The plaintiff has cause delay in filing the present application. Hence prayed to reject the application.

4) Heard both sides.

5) On perusal of record, the amendment mentioned in the application is of formal nature. The proposed amendment is not substantive in nature to change the nature of suit. The amendment sought by the plaintiff will not change the nature of the suit and there will be no loss to the defendants. Hence it would be in the interests of justice and to avoid multiplicity of proceedings to allow the plaintiff to amend the plaint accordingly. Hence I pass the following order.

ORDER

1) The application Exh.46 is hereby allowed.

2) The amendment be carried out on or before next date and amended copy should be submitted.

3) Parties to bear their own costs.

Digitally signed by DEEPAK SHANKARLALJI SHARMA
Date: 2024.06.20 11:09:42 +0530

Kadegaon
Date : 19.06.2024

(D.S.Sharma)
Civil Judge, (J.D) Kadegaon
Dist.Sangli.