



ORDER BELOW EXH.155 IN RCS No.176/2020

(Dhanaji Shitole Vs. Hemlata Shitole & Ors)

This is an application filed by the plaintiff under Order 6 Rule 17 of Code of Civil Procedure for grant of permission to carry out the amendment in the plaint. Heard Ld. Advocate for the plaintiff and the defendants.

2. Defendants have filed his say on this application. It is contention of the plaintiff that he was not knowledge of the said property at the time of filing suit. Therefore, the property was not included in suit property. The plaintiff is illiterate. While drafting plaint the plaintiff had not given all the documents to his Advocate. To decide matter on all issues it is necessary to include all properties as suit property. There is not any malafide intention for the plaintiff but is a bonafide mistake. While the Ld. Advocate for the defendant argued that on 03.09.2009 when the defendant filed written statement vide Exh. 46. At that time the defendant raised objection and specifically mentioned this fact. The original matter is of year 2009.

3. It is pertinent to note that suit is for partition and other reliefs. It is necessary to bring all the joint family properties, whether it is joint or not it is later part and part of evidence. At same time, it is necessary to see whether the plaintiff is vigilant towards his matter. It reveals that when the

defendant raised objection in year 2009 by filing written statement vide Exh. 46 and the plaintiff filed this application in the year 2025. It is after 21 years. This is not a small period. It is crystal clear that due to negligence of the plaintiff the matter is pending for years together. The plaintiff is a master of his own case. He must have a knowledge of all his property and facts. It is not his choice to conduct as per his will and wish. The application is totally silent on point when the plaintiff came to know about the proposed property is of their joint property. The proviso of Order 6 Rule 17 is specific regarding amendment and conditions when it will be allowed.

4. Considering the nature of suit as well as conduct of the plaintiff to meet end of justice it is necessary to allow application but at same time it is necessary to impose heavy costs on the plaintiff. It is duty of the Court to decide matter as early as possible. But it reveals that the plaintiff is taking steps and proceeding in matter as per his wish and whim. It creates an obstacle to achieve goal to decide matter as early as possible. Considering all facts I allowed application on costs as follows.

ORDER

1. Application of amendment Exh. 155 is allowed on costs of Rs. 7000/- (Seven thousand only). Costs to be paid to Legal Aid Authority, Vita within 15 days.
2. After compliance of order, the plaintiff is directed to carry out amendment within 14 days and comply as per rules.

Vita
Dated : 10/06/2026

(D. T. Jadhav)
Jt. Civil Judge, Sr. Dn., Vita,
Tal. Khanapur, Dist. Sangli.

I affirm that, the contents of this P.D.F. file Judgment/ Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : A.P.Patil

Court : Jt.Civil Judge Senior Division,
Vita.

Judgment/Order signed by
the Presiding Officer on : 10/06/2026.

Judgment/Order uploaded on : 10/06/2026.