

Order below Exh.61 IN R.GS. No.272/2019

This is an application for amendment filed by the plaintiff.

2. Plaintiff contends that in this suit of partition he has inadvertently missed out to mention a property situated at Gat No.274/1/B/1, situated at Khedbhose, Tal. Pandharpur. Accordingly he prays for amending the plaint more particularly as mentioned in para No.2 of this application. Hence, this application.

3. Both the defendants have strongly objected to this application on the ground that plaintiff has not filed any document to show that the proposed property to be incorporated in the plaint is owned by the plaintiff or any of the family member of the plaintiff. The application is, thus, prayed to be rejected.

4. In the suit of partition, all the properties owned by the joint family are to be brought on record. Non bringing of all the joint family property on record precludes partition in true sense. Hence, the application is required to be allowed. The proposed property is or is not owned by the members of joint family is the matter of dispute which can be considered by evidence to that effect. However, for the delay caused in bringing this application, the defendant Nos.1 and 2 are to be compensated monetarily. Hence, the order.

-: ORDER :-

- A . The application is allowed subject to plaintiff paying costs of Rs.200/- to the defendant Nos.1 and 2.
- B. Amendment to be carried within a period of 7 days from today.
- C. After the amendment, plaintiff to furnish a copy of amended plaint on record.

Date : 07.08.2024.

Swayam S. Chopda.
Jt. C.J.J.D., Pandharpur.

Certificate

- (a) Name of the Stenographer : Rajiv M. Gogi
(b) Court. : Jt. C.J.J.D., Pandharpur
(c) order dictated on : 07.08.2024
(d) signed on : 07.08.2024

