



**Regular Civil Suit Number 500/2025**  
**CNR Number MHSO-07-000602-2025**

1. Babu Bhagwat Sawant ..... Plaintiff.

Versus

1. Bhagwat Yashwant Sawant ..... Defendants

**ORDER BELOW EXHIBIT 06**

1. The suit is for partition. The plaintiff number 1 has filed the application vide exhibit 06 to add property bearing Gat number 94/2/C/1 as a suit property in the suit. The plaintiff number 1 has stated that, suit is for partition. The property bearing Gat number 94/2/C/1 is joint Hindu family property of plaintiff and defendants. Hence, it is necessary to add this property as a suit property in the suit. The Court has called the say of opposite side on application vide exhibit 06. The defendants have filed say vide exhibit 06 and stated that, application is false and vexatious. Hence, application vide exhibit 06 is to be rejected.

2. I have perused application vide exhibit 06 filed by plaintiff number 1 and say of defendants.

3. Upon hearing of both sides and on perusal of exhibit 06 and say of defendants, the following points arise for my consideration.

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1.	Does property bearing Gat number 94/2/C/1 is to be included as suit property ?	Yes
2.	Whether amendment is necessary in the suit ?	Yes
3.	What is order ?	The application is allowed.

**REASONS**

**As to point number 1 to 3**

4. The point number 1 to 3 are interconnected with each other. Hence, they are clubbed together. The plaintiff number 1 has filed the application vide exhibit 06 to add property bearing Gat number 94/2/C/1 in the suit. This is joint Hindu property of plaintiff and defendants. This is suit for partition. Hence, that property is to be included in the suit as a suit property. Thus, the plaintiff number 1 has filed the application vide exhibit 06 to add property bearing Gat number 94/2/C/1 in the suit.

5. The is suit for partition. The plaintiff number 1 has filed the application vide exhibit 06 to add property bearing Gat number 94/2/C/1 in the suit. This is joint Hindu property of plaintiff and defendants. This is suit for partition. Hence, that property is to be included in the suit as a suit property. It will not change nature of suit. Hence, it is necessary to include that property in the suit. 'Audi Alterem Partem' is principle of natural justice. It means that, no one should be condemned unheard. Therefore, it has become necessary to hear both parties in respect of suit claim. In order to enable the court to adjudicate effectively, completely, to settle all the questions involved in the suit, and in the interest of justice, it is necessary to allow the application to add property bearing Gat number 94/2/C/1 in the suit. The application vide exhibit 06 is filed under the provision of order 6 rule 17 of Code of Civil Procedure. Hence, question of limitation does not arise.

6. In present suit, property bearing Gat number 94/2/C/1 is to be added as a suit property to the suit. Hence, suit requires to be amended. The amendment is necessary to decide real dispute in the

parties. In view of court, the nature of proposed amendment is not causing any change in the nature of claim of suit. It will not damage or change the nature of suit, rather the amendment will sort out the dispute between parties. It seems that the proposed amendment is bona fide one. The proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties. If the application vide exhibit 06 is rejected then it may result in multiplicity of litigation. In order to avoid multiplicity of proceeding, it will be appropriate to allow the said application. The proposed amendment will help the court to adjudicate the dispute on its merit. The defendants will get the opportunity to put forth their defence. Therefore, the application is allowed. In the result, the following order is passed.

**ORDER**

1. The application vide exhibit 06 is allowed.
2. The suit shall be amended accordingly on or before next date by plaintiffs and copy of amended plaint is to be filed on or before next date by plaintiffs. The suit shall proceed further in accordance with provisions of law.
3. The plaintiffs are to pay necessary court fee, if any.

Place - Pandharpur  
Date – 13-03-2026.

**Smt. K. A. Katkar**  
3<sup>rd</sup> Jt. C.J.J.D., Pandharpur.

**:-CERTIFICATE:-**

I affirm that, the contents of this pdf file order are same, word for word as per original order.

Case No.	:- R.C.S.No. 500/2025
Name of Stenographer	:- S.P. Doke.
Court Name	:- Smt. K. A. Katkar, 3 <sup>rd</sup> Jt. Civil Judge, J.D.& J.M.F.C, Pandharpur.
Date of Decision	:- 13-03-2026
Order signed by P.O. on	:- 13-03-2026
Order uploaded on	:- 13-03-2026