

ORDER BELOW EXHIBIT- 12 IN R.C.S.NO. 167/2013

Present application is filed by the plaintiffs to amend the plaint.

02] It is asserted that the name of defendant No. 4 was wrongly mentioned as 'Badhrinarayan Kedarnath Maniyar' instead of 'Badhrinarayan Dwarakadas Maniyar'. It is further asserted that defendant Nos. 1 & 5 are having love affair and they have left their residence. Their current address is not known. Hence, the plaintiffs want to add, " address not known" in-front of their names. Plaintiffs also want to change the address of defendant No. 4. Likewise plaintiff want to add some properties in the suit claim. Hence, the present application.

03] Defendant No.2 has objected the application contending that the application is false. Plaintiff No. 2 is not the legally wedded wife of his father. Properties sought to be inserted are the separate properties of defendant No. 2. He has, therefore, prayed for rejection of the application. Alternatively he has prayed for awarding costs of Rs. 10,000/- to him while allowing the application.

04] Perused the record and proceedings. Heard the learned advocate representing the plaintiffs. Learned advocate representing defendant No. 2 is absent when called and hence I am not having benefit of hearing him. Only point which arise for consideration is : Whether the plaintiffs have made out the case to allow the application?

05] Plaintiffs want to amend the plaint so as to correct the name of defendant No. 4 and also to incorporate few other properties. Likewise, she wants to change the address of defendant No. 4 and to add address not known against the names of defendant Nos. 1 & 5. Objections raised by defendant No. 2 are in respect of the merits of the suit. They can not be entertained at this stage. Suit is at initial stage. Proposed amendment would not change the nature of the suit. In view of the facts noted above, application is not without merit. Hence, the application is allowed. Plaintiffs are permitted to amend the plaint, as prayed for. They shall carry out amendment within two weeks. They shall submit a copy of amended plaint.

Date : 26/07/2016

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi

CERTIFICATE

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

Name of Stenographer : Bhaskar G.B.
Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi
Date : 26.07.2016
Order signed by the
presiding officer on : 26.07.2016
Order uploaded on : 01.08.2016