

R. C. S. NO. 82 OF 2012

**ORDER BELOW EXHIBIT 42.**

**(Ravindra Sonawane Vrs. Mohan Dede.)**

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This is an application filed by the defendant No. 7 under Order VI Rule 17 of the Code of Civil Procedure, 1908 for the amendment in the pleadings. The application is supported by the affidavit.

02. Read the application. Perused say filed by Ld. advocate for plaintiff. Heard both sides. Ld. advocate for the defendant No. 7 submitted that defendant Nos. 1 and 2 filed counter claim and thereafter withdrawn the same. Now he defendant No. 7 filed an application for the amendment in the pleadings regarding the boundaries of gut No. 416 and 499, share of plaintiffs and defendant Nos. 3 to 8, their family tree, facts regarding the sale deed dated 07.08.2008 of the suit property. Plaintiffs filed their written say and submitted that they are agreed with the facts stated by the defendant No. 7 in the present application. They have no any objection for the amendment.

03. From the submissions advanced by Ld. counsels for both parties and documents adduced on record, it appears that

the facts stated in the present application by defendant No. 7 are to be taken into consideration regarding the boundaries of the suit properties, actual family tree of plaintiffs and defendants and the transaction regarding the suit properties. These amendments prayed by the defendant No. 7 to be made in the pleadings are appeared as important in order to decide the rival controversies between the parties effectively. Moreover, it will not change the nature of the suit, but, definitely helpful in the effective adjudication of the suit. It is important to consider all facts put forth by the parties to the suit on record regarding the share, ownership of the suit properties in the suit. Thus, the present application filed by the defendant No. 7 reveals all necessary facts about the suit properties and relation of the plaintiffs and defendants. Therefore, it is necessary to consider all the facts pointed out by the defendant No. 7 in the amendment application for the effective adjudication of the suit in the view of provision of Order VI, Rule 17 of the Code of Civil Procedure, 1908. The proposed amendment will not cause prejudice to the other party. In-fact, it will be helpful to decide all the rival questions between the parties at once. Hence, the application is necessary to be allowed in the interest of justice. Hence, the order.

### **ORDER**

1. The application vide Exh. 42 is allowed.
2. Defendant No. 7 is allowed to carry out the proposed

amendment in the written statement within 14 days from the date of this Order.

3. No order as to cost.

Khandala.

(A. K. Damate)

Date : 20/01/2022

Jt. Civil Judge Junior Division, Khandala.