

MHST160002312025



**R.C.S.No. 67/2025
(Sonali @ Sonal Santosh Jagtap Vs.
Chabutai Himmatrao Deshmukh ors.)**

**Order Below Exh.17
(Passed on 14th July, 2025)**

This is an application filed by the plaintiff for amendment in pleadings under Order VI Rule 17 read with Section 151 of the Code of the Civil Procedure. The plaintiff has submitted that the present suit has been filed for the relief of declaration that they become owner on account of the Will Deed dated 30.08.2012, prepared by the deceased Rangrao Pisal. After filing of this suit, the plaintiff had knowledge that the names of the defendants No.1 to 7 have been mutated in the revenue record of the suit property vide mutation entry No.10049 dated 26.02.2025. Therefore, the plaint has to be amended to that effect. Even, the valuation clause has to be amended. She further submitted that the defendants are about to create third party interest in the suit property. Therefore, all the defendants are required to be restrained from creating any third party interest by way of the order of perpetual injunction. The proposed amendment is a subsequent event, which will not change the real nature of the suit and it will not adversely affect the rights of the parties as well. Hence, she prayed to allow the application.

2. The defendants No.1 to 6 have replied the application by filing their say at Exh.19. They submitted that in fact the suit properties

are ancestral properties. As such, they have right, title and interest in it. Even, they are having its common possession. The relief claimed by way of proposed amendment is not within limitation. The mutation entry No.10049 has been certified by the revenue authority. The present application has been filed only to prolong the matter and to adversely affect the rights of the defendant. If the application is allowed, it will change the very nature of the suit. Hence, it be rejected.

3. Perused the application and say alongwith the entire record. Heard both the sides, at length.

4. The plaintiff by way of proposed amendment wishes to add contents regarding the mutation entry No.10049. She also wants to add the relief of perpetual injunction on that account. The mutation entry No.10049 is dated 26.02.2025 and the present suit has been filed on 11.03.2025. However, the plaintiff has submitted that she had knowledge of the said mutation entry recently and after filing of the suit. In such circumstances, the proposed amendment can be termed as subsequent event. Considering the nature of the suit and the relief claimed by the plaintiff it is expected to decide the real controversy between the parties on merit by giving sufficient and fair opportunity to both the sides to establish their stand. If the present application is allowed, it will facilitate the said purpose.

5. The suit is at initial stage. The trial is not yet commenced. Moreover, the proposed amendment will not change very nature of the original suit, as this is a suit for partition and the proposed relief is in respect of the future alienation and changes in the nature of the suit

property by defendants, on the basis of mutation entry No.10049. In such circumstances, the present application deserves to be allowed by passing following order.

ORDER

1. The application (Exh.17) is hereby allowed.
2. The plaintiff to carry out the proposed amendment in the plaint till next date.
3. After carrying out the aforesaid amendment, the plaintiff to file amended copy of plaint on record.

[Dictated and pronounced in open Court.]

Place : Wai
Date : 14.07.2025.

(R.M. Bhende)
2nd Jt. Civil Judge Junior Division,
Wai, Dist. Satara.

CERTIFICATE

“ I certify that this Order uploaded is a true and correct copy of original signed Order”.

Order dictated on : 14.07.2025.

Order checked and signed on : 14.07.2025.

Uploaded by : Sunita C. Redekar
Stenographer (Grade-III)

Uploaded on : 15.07.2025.