



relinquish his share from survey no.392 in favour of plaintiff and defendant. He had relinquish his share on 24.11.1995 by written relinquishment deed. Therefore, brother of plaintiff and defendant i.e. Mohanlal Bisnilal Paliwal has left with no right and interest in suit property. The relinquishment deed of dt. 24.11.1995 was kept with defendant. Therefore, plaintiff want to amend his plaint by adding these facts in the plaint. Due to this amendment the nature of suit will not change. As well as, it will not caused any loss to the defendant. If permission is not granted then it will caused irreparable loss to the plaintiff. Hence, prayed to allow this application.

3. Learned advocate for defendant has filed his reply on the back-leaf of the application. It is stated and submitted by him that in this suit plaintiff has already close his evidence. Plaintiff has not filed original relinquishment deed in this suit. Plaintiff had deliberately concealed this fact that he has third brother and he had relinquish his share. Defendants have disclosed this fact. Relinquishment deed has not filed by plaintiff in this case and therefore they have no right to make amendment regarding relinquishment deed. This amendment will change nature of suit. The defence of defendant will get hamper by this amendment. The evidence side of plaintiff has closed and therefore this application shall be rejected. If it is allowed then plaintiff will be required to give evidence on this fact and it will cause delay in the proceeding. Hence, prayed for rejection of this application.

4. Perused application and say thereon. Heard both sides. It is seen that plaintiff has not pleaded anything about relinquishment deed or their third brother namely Mohanlal Paliwal in his plaint. According to submission advanced on the side of plaintiff that only name of

plaintiff and defendant were appeared on revenue record of suit property and name of Mohanlal was remove earlier. The fact that Mohanlal had relinquish his share has come to the knowledge of plaintiff on 08.08.2025 when he had received certified copy of mutation entry. Therefore, Plaintiff had no knowledge about relinquishment deed before receiving of certified copies of mutation entry. This fact has come to the knowledge of plaintiff subsequently after framing of issues.

5. On perusal of record it is seen that issues have already framed in this suit and evidence of plaintiff has closed vide pursis below Exh.24. It is seen that plaintiff and defendants had another brother namely Mohanlal Paliwal. According to plaintiff, the fact that Mohanlal had relinquished his share from suit property has come to their knowledge when mutation entry was received by them. Plaintiff has filed mutation entry of survey no.392 alongwith list of document Exh.28(A). It is a certified copy of mutation entry no.149, and it was received on 08.08.2025. The evidence of plaintiff was completed on 28.08.2025. That means at the time of closing of their evidence this document was in possession of plaintiff. But this document was not in possession of plaintiff at the time of filing of this suit. It is also seen that this mutation entry is regarding suit property. The proposed amendment of plaintiff is about relinquishment deed executed by Mohanlal Paliwal. Therefore, facts relating to suit property needs to be brought on record for determination of dispute between party and to avoid multiplicity of proceeding. It is seen that plaintiff has filed this application at belated stage. However, such delay can be compensated by imposing certain cost. Thus, considering aforesaid reason, I pass following order.

**ORDER**

1. Application is allowed subject to cost of Rs.1,000/- payable to defendant by plaintiffs.
2. Plaintiffs are directed to carry out amendment in the plaint within two weeks from the date of this order and shall filed amended copy of plaint.
3. Payment of cost is a condition precedent.

Date: 09.04.2026

(Diksha D. Vighne)  
Civil Judge (Jr. Dn.),  
Karanja Gha. Dist. Wardha