

**ORDER BELOW EXH.53.**

Present application is filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure to amend the plaint.

2. In short it is the contention of the plaintiff that defendant No.1 raised the objection about not including the legal heirs of deceased. Therefore, the plaintiff filed application to add the necessary parties in the suit. The names of defendant Nos.4 to 17 came to be mentioned in the suit as per the knowledge of the plaintiff. The plaintiff is illiterate lady. Therefore, she is not aware about the actual names of defendant No.4 to 17. Now, it is necessary to mention the correct name of defendant Nos.11 to 16. The proposed amendment will not change the nature of suit. Hence, prayed to allow the application.

3. Defendant Nos.1, 11 to 17 filed say and opposed the application contending that the defendants are the close relatives of the plaintiff. She knows all of them at the time of filing the application. The plaintiff wants to change the names. Hence, prayed to reject the application.

4. Heard both the parties. Perused the pleadings. Perused the copies of Adhar cards filed on record. It appears that the name of defendant Nos.11 to 16 does not match with the names as mentioned in the plaint. Therefore, the present application is filed. Defendant

No.11 to 17 appeared in the matter and filed their Vakilpatra at Exh.50. The names mentioned in Exh.50 match with the names mentioned in present application. Therefore, it is necessary to grant the application so that parties can be identified by their original names.

5. Further, due to proposed amendment the nature of suit will not be changed. Considering the mistake and that the plaintiff is 68 years old lady it is necessary to allow the application without any costs. Hence, I pass the following order-

### **Order**

1. Application is allowed.
2. The plaintiff shall carry out the amendment and file the amended plaint for the Court and copies thereof for the defendants.

Date:- 29/09/2022.

( R.P.Kulkarni)  
2<sup>nd</sup> Jt. Civil Judge (Sr.Dn.),  
Washim.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per original judgment.

- 1) Name of Stenographer :- S.V.Dere (Stenographer-III)
- 2) Name of Court :- 2<sup>nd</sup> Jt.Civil Judge (S.D.), Washim.
- 3) Date :- 29/ 09 /2022
- 4) Order signed by the presiding officer on :- 29/ 09 /2022
- 5) Order uploaded on :- 29/ 09 /2022