

**ORDER BELOW EXH.18 IN RCS No.25/2013**  
**PASSED ON THIS 3rd DAY OF SEPTEMBER 2015.**

- 1) The defendants nos.4 to 6 have filed this application for amendment in their W.S.
- 2) Perused the application. Despite sufficient opportunity given to plaintiffs, they have not filed say on this application. I also perused the say of defendant no.1 to 3 at Exh.24.
- 3) Heard the Ld. Advocate for the plaintiff Shri S.P. Deshmukh, Defendant nos. 1 to 3 Shri D.T.Parekar and Ld.Adv Shri S.A.Chatse for defendant nos. 4 to 6.
- 4) By way of this application Defendant nos. 1 to 6 want to add para 17, 18 and 19 in their W.S. after para 16. The plaintiff have not taken any objection to this application. However, defendant no. 1 to 3 have taken objection to this application on the ground that, defendant no.4 to 6 are seeking amendment in the W.S. of defendant nos. 1 to 3. However, the defendant nos. 1 to 3 have not stated anything how defendant nos.4 to 6 are seeking amendment in their W.S. Upon perusal of record and proceeding of the case, it appears that the plaintiffs filed this suit for partition and possession. The defendant no.1 to 3 have filed separate W.S. at Exh.15 and defendant no. 4 to 6 have filed W.S. at Exh.12. Therefore, the W.S. of defendant no.1 to 3 and 4 to 6 are separate. By way of this application the defendant nos. 4 to 6 are seeking amendment in their W.S. and not in the W.S. of Defendant nos. 1 to 3. Therefore, it cannot be said that the defendant no. 4 to 6 are seeking amendment in the W.S. of defendant nos. 1 to 3.
- 5) The proposed amendment is formal in nature. No any prejudice will be caused to the plaintiffs or defendant nos. 1 to 3. On the other hand the proposed amendment in the suit is necessary in the interest of justice and to decide controversy between the parties. Therefore this application is liable to be allowed. Hence I pass following order.

**ORDER**

- 1) This application is hereby allowed.
- 2) The permission to carry out amendment as prayed is hereby granted.
- 3) The defendant nos.4 to 6 shall carry out proposed amendment within limitation.
- 4) Costs in main cause.

Date.03.09.15

**(D.N.CHAMLE)**  
Civil Judge (Jr.Dn.)  
Mahagaon.