

ORDER BELOW EXH.35

1) Read application, defendant not filed his say. Heard Ld. counsel for parties. Perused record. Plaintiff has filed this application U/o.6 Rule 17 of CPC for amendment in plaint. He has submitted that, this is suit for partition and separate possession, during pendency of suit defendant No.1 executed sale-deed dt. 14.3.2016 out of the suit property. Therefore, plaintiff has to added this facts by way of proposed amendment;

- (1) para No.6-A. after para No.6 of the plaint.
- (2) para No.17-A after para No.17.
- (3) Prayer clause No.F accordingly.

Besides this, it is the submission of plaintiff that, surname of defendant no.4 is 'Dhavale', however inadvertently by way of printing mistake it is printed as 'Dhage', therefore, permission is sought to correct surname of defendant no.4 as a 'Dhavale'.

2) Perused record. Considering the nature of dispute no prejudice will be caused to defendant if plaintiff is permitted to carry out proposed amendment. Hence I pass following order.

ORDER

- 1) Application is allowed.
- 2) Plaintiff is permitted to add para No.6-A, 17-A, 12-F and clause-F in prayer clause, by way of amendment.
- 3) plaintiff is permitted to correct surname of Defendant No.4 as a ' Dhavale'
- 4) Amendment should be carried out within a period of 7 days.
- 5) Plaintiff should filed a fresh copy of amendment plaint on record.

Babhulgaon
Dt.12.07.2017

[S.G.Chimankar]
Civil Judge(Jr.Dn.),
Babhulgaon.