

Order below exhibit 20 in L. A. R. No.353/2019.

This is an application of land acquisition reference in which by the present application, applicants have prayed to permit them to amend the plaint.

2. According to the applicants, in the plaint para no.06, they have mentioned regarding court fee stamp. While filing the reference application, for the sake of court fee, they had presumed the amount sanctioned Rs.1000/- and had given court fee stamp thereon. However they have claimed compensation at the rate of Rs.2000/- per sq. mtr. and they are ready to pay the court fee on the amount which will be finalized in this reference. So applicants have prayed to permit them to delete the matter regarding court fee mentioned in the plaint para no.06, the highlighted portion. According to them the nature of suit will not be changed by the proposed amendment. No prejudice would be caused to the non applicants. So they have prayed to allowed the application.

3. In spite of sufficient opportunity non applicant no.01 did not file his say to this application. Non applicant no.02 filed its say and opposed the proposed amendment.

4. Considering the rival contention, following points arise for determination to which I have recorded my findings for the reasons to follow.

Points	Findings
1. Whether the proposed amendment is necessary for the purpose of determining the real question in controversy between the parties?	...Yes.
2. Whether the amendment can be allowed at this stage?	...Yes.
3. What order?	Application is allowed.

REASONS

5. I have gone through the application carefully. Perused the plaint and written statement. Learned Adv. Mr. A. K. Patil, on behalf of applicants submitted that, the proposed amendment is of formal nature. It will not cause prejudice to the non applicants. So he prayed to allow the application. Advocate for non applicant no.01 remained absent for argument. Learned Adv. Mrs. Khot, on behalf of non applicant no.02 submitted that the application may be rejected.

As to points no.01 to 03:

6. On perusal of plaint it is seen that the amount sanctioned by Land Acquisition Officer is Rs.2,10,350/-. According to the applicants they are entitled for the amount at the rate of Rs.2000/- per sq. mtr. They are ready to pay court fee stamp on the amount determined in this reference. Thus it is seen that the sanctioned amount presumed for the purpose of paying court fee stamp is a meager amount. If it is not permitted to be corrected, then it would defeat the valuable right of the applicants. So applicants need to be permitted to delete the relevant para. It will not cause prejudice to the non applicants. The nature of claim will not be changed. On the contrary if permission is not given, then it will create confusion in resolving the dispute. In this proceeding yet issues have not been framed. The trial is not commenced. No delay, inconvenience or loss is caused to non applicants which needs to be compensated. So points no.01 & 02 are answered in the affirmative and in answer to point no. 3 following order is passed.

: Order :

1. Application is allowed.
2. Applicants are permitted to delete the portion in plaint para no.06 as prayed for.
3. They shall carry out the amendment within statutory period.

4. Costs in main cause.

Sd/-

Place: Alibag
Date: 20/10/2020.

(R. R. Patil)
Civil Judge, S. D., Alibag.