

Order below Exh. 90.
(Passed on 9th April, 2025)

1. Instant application is moved by the defendant Nos.2 to 6 and 8 for making amendment in their written statement as per Order 6, rule 17 of C.P.C.
2. Defendant Nos.2 to 6 and 8 submitted that they have filed written statement (Exh.66) in this suit. Defendant Nos.2 to 6 and 8 further submitted that due to typographical mistake it is mentioned “बेकायदेशिख” in seventh line from below of page no. 7 of their written statement instead of “कायदेशिख”. But, it is just typographical mistake and it needs to be corrected by omitting those words. Hence, permission may kindly be granted to amend the written statement so as to correct that typographical mistake.
3. Plaintiffs by giving their Say to this application submitted that, the present application is not proper and tenable. Present application has been filed with a view to prolong matter. This application is filed without mentioning specific reason. Finally, prayed to reject with costs.
4. As per Order 6, Rule 17 of CPC, the Court may at any stage of the proceeding allow either party to alter or amend his pleading, in such manner and on such terms as may be just, and such amendment shall be made, as may be necessary for the purpose of determining real questions in controversy between the parties. The proviso clause of Order 6, Rule 17

states that, no application for amendment shall be allowed after the trial is commenced, unless the Court comes to the conclusion that inspite of due diligence, parties could not have raised matter before the commencement of the trial.

5. In the present suit, it is the matter of record that the instant suit is pending for plaintiff's evidence. Furthermore, the amendment sought by the defendant Nos.2 to 6 and 8 is just due to typographical mistake. There appears no intentional mistake or negligence on the part of the defendant Nos.2 to 6 and 8. Defendant Nos.2 to 6 and 8 wants to carry out amendment in their written statement to avoid further complications. The nature of suit is not at all going to be changed by this amendment. Hence, I do not find any merit in the objection raised by the plaintiffs. It is the general principle of law that Court should be liberal while deciding amendment application. Furthermore, by this amendment, plaintiffs will not get prejudiced and the nature of suit will not be changed. After-all, after this amendment, plaintiffs will be at liberty to make consequential amendment in their plaint, if any, and adduce evidence, if any, on their part. Thus, for deciding the suit on merit and for determining the real question in controversy between the parties and for preventing the multiplicity of the proceedings, it would be just, proper and reasonable to grant one opportunity to the defendant Nos.2 to 6 and 8 to make proposed amendment in their written statement, as described in this instant application (Exh. 90). Therefore, considering all the facts and circumstances of the instant suit, I am of the view that the application below Exh. 90 is to be allowed. Hence, the following order.

ORDER

1. Application below Exh. 90 is allowed.
2. Defendant Nos.2 to 6 and 8 are hereby permitted to amend their written statement as mentioned in the application Exh. 90.
3. Defendant Nos.2 to 6 and 8 are directed to carry out the necessary amendment within 14 days from the date of this order.
4. Both the parties to take note.

Date: 09.04.2025.

(Prasad B. Joshi)
5th Jt. Civil Judge, (Sr. Dn.),
Sangamner.