


ORDER BELOW EXH. 34 IN RCS NO. 503/2020 (Ajit Pote & Ors. Vs. Yogesh Pote & Ors.)	MHAH140007302020 
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This application is filed by the plaintiffs as per Order VI Rule 17 of The Code of Civil Procedure, 1908 (hereinafter referred to as the “CPC”) for amendment of the plaint.

2. The plaintiffs submitted that, in plaint at para no.4 in rough map of property Gat number of plaintiff’s property is wrongly mentioned as “Gat no.107/2/B”. However, correct Gat no. is 107/1/B. Hence, they prayed to amend the Gat number in plaint at para no.4 in rough map as “107/1/B” instead of “107/2/B”.

3. The learned advocate for the defendants filed his reply to the present application overleaf the present application. He submitted that, the application is totally false. The suit filed on 01/07/2020. Defendants appeared in the suit on 11/01/2021 and on 23/09/2022 filed their written statement at Exh.17. On 04/01/2024 issues framed. Thereafter, the plaintiff examined two witnesses and closed their evidence by filing pursis at Exh.24. Thereafter, defendant no.3 filed affidavit of chief examination at Exh.28 and on that affidavit on 16/06/2025 no cross order was passed. At Exh.33 defendants filed their evidence close pursis. In such circumstances this application is not tenable in the eyes of law. Also, if amendment allowed it will change the nature of suit, it will prolong the suit and it adversely affects the right of defendants. This application is filed only to prolong the suit. Hence, prayed to reject the application with costs of Rs.10,000/-.

4. I have heard learned advocates for both sides and perused the record. Considering rival contentions, the following points arise for my determination, on which I have recorded my findings for the reasons stated thereunder.

Sr.No.	Points	Findings
1.	Whether this is fit case to allow amendment after commencement of trial?	Yes
2.	What order?	The application is allowed

REASONS

As to points no.1: -

5. In the present suit, the evidence of the plaintiff and defendants have already closed and thereafter filed this application. As per the proviso clause of Order VI, R-17 of the C.P.C., an amendment should not be granted after the commencement of the trial unless the party satisfy the Court that in spite of the due diligence, he could not have carried out the proposed amendment before the commencement of the trial. However, in present application the plaintiffs have not stated any cogent reason as to why in spite of due diligence, they could not have carried out the proposed amendment before the commencement of the trial. The present application is silent in respect of due diligence.

6. However, even if proviso of Order VI Rule 17 is mandatory but, this is civil proceeding in which hyper technical approach will not be taken all the time. The grant of amendment is general rule and rejection is exception. Moreover, the proposed amendment is in respect of Gat number of suit property. The plaint shows that in discription of property

Gat number is correctly mentioned. Only in rough map it is wrong. Therefore, if amendment is allowed it will not add new thing in the suit or will change the nature of suit. So far as effect on defendants is concerned it will not affect adversely to them as they will have every opportunity to challenge the evidence of plaintiff and adduce evidence in order to prove how the relief claimed by plaintiff including proposed amendment is not considerable. Therefore, to avoid further multiplicity of litigations and to determine point in controversy between parties, it is just and proper to allow plaintiff to make proposed amendment. However, considering the delay caused on the part of plaintiff for filing application for proposed amendment, costs needs to be imposed Hence, I answer point no. 1 in the affirmative and in answer to point no. 2, pass following order.

O R D E R

1.	The application (Exh.34) is allowed subject to cost of Rs.2000/- be paid to defendants.
2.	The plaintiff to carry out amendment and provide amended copy of plaint within 14 days from the date of this order.
3.	Cost in main cause.

Place: Newasa.

Date: 16/07/2025.

(Sandhya Y. Sul)

2nd Jt. Civil Judge, Junior Division,
Newasa, Dist. Ahmednagar.