

Order Below Exh.106 in R.C.S.No.438/2010

1. The plaintiff moved instant application for carrying out amendment under Order VI Rule 17 of C.P.C. Same is supported by affidavit Exh.107.
2. The applicants contend that due to typographical error the particulars of area have been wrongly typed. Therefore, the proposed amendment is necessary for determining the dispute. Hence, prayed for grant of application.
3. The defendants objected that previously also amendment was sought however, he could not proceed on that line.
4. On perusal of record, the present suit is for partition pertaining to immovable property wherein all parties are plaintiffs. The suit being of partition, it is highly essential to describe the properties with specific description. The proposed amendment is very trifling one and appears to be typographical error due to inadvertence. No change in the nature of suit. The delay can be compensated by costs. So also, no prejudice will be caused by carrying out the amendment. Hence, I am of the opinion that in order to resolve the real dispute between the parties on merit, the proposed amendment is essential. No prejudice will be caused to defendant side. In result, following order.

Order

- 1) Application Exh.106 stands allowed, subject to cost of Rs.500/- to be paid to defendants.
- 2) Plaintiff shall carry out the amendment up to next date and comply the same.

Date : **16-11-2017.**

(P.P. Deshmane)
Jt. Civil Judge J.D., Rahuri.