

Order Below Exh.21 IN RCS NO.797/2014

1. Through this application, plaintiff is seeking amendment in plaint vide Order 6 Rule 17 of C.P.C.
2. Perused the application. Say filed to it by defendants.
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3. Heard Ld. Advocates for plaintiff and defendant at length.
4. It is submission of Ld. Advocate for plaintiff that defendant nos.1 and 2 are minor, however, inadvertently they were shown to be major. Defendant no.3 is the mother of defendant nos.1 and 2. It is his further submission that showing defendant nos.1 and 2 as major was bonafide mistake. As such he prayed for permission to amend the plaint, particularly party clause showing defendant nos.1 and 2 as minor and defendant no.3 as natural guardian of defendant nos.1 and 2. According to plaintiff the proposed amendment is bonafide one. The proposed amendment will not change the nature of suit. For the reasons, prayed to allow the application.
5. Per contra, the application opposed by defendants submitting that the fact of defendant nos.1 and 2 being minor was known to the plaintiff, however, he has deliberately shown them as major. According to defendants, application is false. For the reason prayed to reject the application. In alternate defendants prayed to saddle maximum costs in case the application is allowed.
6. I have given thoughtful consideration to rival

submissions of the parties in the light of averments in the plaint.

7. Having gone through the submission of Ld.Advocate of plaintiff in the light of application that showing of defendant no.1 and 2 as major, was inadvertent mistake. I do not find that there was any deliberate intention on the part of plaintiff, showing the defendant nos.1 and 2 as major instead of minor. In order to avoid technical defect, plaintiff needs to be permitted to amend the plaint as prayed for. Besides, proposed amendment will not change the nature of the suit and will not cause any prejudice to the defendants. In short, application appears bonafide one. For the reasons, I am inclined to allow the application with some costs payable to defendants. Resultantly, following order.

Order

- 1) Application is allowed.
- 2) Plaintiff to carry out the amendment on or before next date on payment of cost of Rs.300/- payable to defendants.

Date :- **12/10/2018.**

(P.M. Unhale)
Civil Judge Junior Division,
Rahuri.