

Order below Exh.55 in R.C.S. No. 817/2014
(CNR No. : MHAH250016562014)

This is an application filed by plaintiff thereby praying to condone the delay caused in amending plaint as directed by order below Exh.50.

2. It is submitted by plaintiff that the plaintiff has sought amendment vide Exh. 50 in the plaint, which is already granted. However, owing to old age of plaintiff so also pandemic, amendment could not be carried out. Hence, for condonation of delay caused in amending plaint, this application is filed.

3. Say of defendants was called for. It is submitted by defendants that already the court has afforded opportunities for amendment and to deposit costs. However, said order is not complied and hence, defendants have prayed that application be rejected. In alternate, defendants have prayed for imposing heavy cost if at all, the application is to be allowed.

4. Heard learned advocate on either side.

5. Having considered submissions of plaintiff, it appears that application at Exh.50 was allowed for costs of Rs.500/- on 05.06.2017, however plaintiff did not amend plaint. By present application, plaintiff submitted that owing to her old age and pandemic situation, she could not make amendment in plaint. Said submission is supported by her affidavit. I have gone through nature of suit. It appears that suit is for injunction and declaration in respect of landed property. Therefore, considering reasons mentioned in application, I find that although there is delay in carrying out

amendment, said prayer being already granted being necessary for decision of suit, I pass following order,

ORDER

1. Application is allowed.
2. Delay caused in carrying out amendment as per order below Exh.50 is hereby condoned subject to further costs of Rs.500/- to be payable to defendants.
3. Plaintiff is directed to carry out amendment till next date.

Date : 03.10.2022
Place : Parner.

(R. K. Deshpande)
Civil Judge Junior Division,
Parner.