

ORDER BELOW EXH.70
(Passed on 8.04.2024)

This is an application filed by the defendant No. 1 for amendment in his written statement vide Order VI Rule 17 of the Code of Civil Procedure.

2] According to the defendant no.1, the plaintiffs have amended their plaint, therefore, he is also required to make a consequential amendment in the written statement. The defendant no.1 has proposed to add paragraph 6-A after paragraph 6 in his written statement and para 7A and 7B after paragraph No.6 in said written statement. It is submitted that the proposed amendment is merely consequential in nature and his defence will not be altered. Hence, the application. It is supported by the affidavit of defendant No. 1.

3] The plaintiff has filed his say at Exhibit 71. He has strongly opposed the application on the ground that it is not consequential in nature and there is no necessity to file the application. Hence, it is prayed to reject the application.

4] Heard the learned counsel for the plaintiff and the learned counsel for defendant No.1. The suit is for possession, declaration and permanent injunction. The plaintiff added paragraph 6-A in the plaint and made submissions about his dispossession. Now

through proposed amendment in his written statement, the defendant no.1 is specifically denying the said averments. Therefore, the amendment is purely consequential and necessary for deciding the issues. Hence, the application is liable to be allowed.

ORDER

- 1] The application is allowed.
- 2] The defendant no.1 shall carry out the proposed consequential amendment in his written statement within 14 days from today.
- 3] Costs in main cause.

Date : 08.04.2024

(M.S.Kale)
Civil Judge (Sr.Dn.),
Akot.