

ORDER BELOW EXH.34 IN R.C.S.NO. 24/2015

1] The defendant has filed the present application under Order 6 Rule 17 of the Code Of Civil Procedure for amendment of written statement. The plaintiff has opposed the application by filing say at Exh.35.

2] Perused application and say. Heard Ld. Advocates for respective parties. From the rival contentions of the parties following points arise for my determination to which I have recorded my findings for the reason stated below :

Sr.No.	Points	Findings
1	Whether proposed amendment can be allowed ?	Yes.
2	What order ?	Application is allowed.

Reasons

3] It is submitted on behalf of defendant that plaintiff has performed second marriage with one Sumayya Parvin Rafiq Khan on 12-10-2014. Out of the said marriage one son is born to Sumayya from plaintiff. The said fact has just come within the knowledge of defendant and therefore she want to add new para 12-A in her written statement as defence. Hence, it is prayed that amendment application be allowed.

4] The plaintiff opposed the application on the ground that only to prolong the matter defendant moved present application. The nature of suit of plaintiff will change if the amendment application is allowed. Hence prayed for rejection of application.

5] I have gone through the pleadings made in the written statement as well as in the amendment application. By the way of proposed amendment defendant just want to add one of the defence stating that plaintiff has performed second marriage. The defendant is not withdrawing any admission. The liberal approach is needed to be taken when there is an amendment in the written statement. In my view the said amendment is essential for deciding real dispute between the parties. It will avoid multiplicity of proceeding. Hence, I answer point No.1 in the affirmative and in view of point No.2 proceed to pass following order :

ORDER

- 1] Application Exh.34 is allowed without cost.
- 2] The defendant to carry out the amendment in her written statement and supply the amended plaint along with the copy of plaintiff.

Dt. 01-07-2017

Barshitakli.

(Paresh R. Wagdole)

Civil Judge (Jr.Dn.),

Barshitakli.

Certificate

I affirm that the contents of this P.D.F. File are same word for word as per original order.

Name of Steno :	Mrs. Hemlata N. Dahake, Steno
Court Name :	Civil Judge (Jr.Dn.) & J.M.F.C., Barshitakli
Date :	01-07-2017
Signed by Presiding Officer :	01-07-2017
Uploaded on :	06-07-2017