

**Order Below Exh. 13**

By way of present application the plaintiff is seeking amendment to the extent of correcting the four boundaries mentioned in the plaint and instead of so mentioned intended to insert four boundaries mentioned in the para 2 of this application. The plaintiff contended that by way of proposed amendment the nature is not going to be changed hence, prayed to allow the application.

2. The say is filed by the defendant and resisted the application on number of grounds. It is assailed that the nature of the suit will be changed if the proposed amendment will be permitted.

3. Heard counsel for both sides.

4. It is imperative to mention that the suit is at initial stage. The issues in the suit is yet to be framed and trial is yet to be commenced. Since, order VI Rule 17 mandates that application before framing of issued shall be allow if the court finds such amendments necessary in order to deciding the suit on merit. It is pertinent to note that the plaintiff is merely seeking correction in the four boundaries. If at such initial stage the permission is refused then certainly the plaintiff will be prejudiced and will be unable to adduce evidence on that point. Mere correction in four boundaries will not change the nature of

suit. On the contrary such correction will permit the plaintiff to put forth his case in proper way before the court and therefore in such circumstances if the amendment will be allowed then, the defendant will not be prejudiced in the trial.

5. No doubt the correction which is sought could have been avoided by the plaintiff at the time of drafting the plaint. For such act the cost needs to be imposed on the plaintiff. Hence, I pass the following order.

**Order**

1. The application is hereby allowed.
2. The plaintiff is hereby directed to carry out the amendment as sought in para 2 of the application.
3. The amendment shall be carried out within 14 days from the date of order.
4. The plaintiff shall pay cost of Rs. 300/- to the defendant.
5. The defendant is put at liberty to make consequential amendment if requires.

Date 02.02.2023

( R. A. Rannaware )

Telhara

Jt. Civil Judge ( Jr. Dn.) Telhara

## Certificate

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

Name of Stenographer	: V. M. Nawle
Court Name	: Jt.C.J.J.D. & J.M.F.C.,Telhara
Date	: 02.02.2023.
Signed by presiding officer on	: 02.02.2023.
Uploaded on	: 06.02.2023.