

MHAU050002732010



**RCS No.62/2010  
Sanjivani Vs. Priya**

**ORDER BELOW EXH. 78 IN R.C.S.No.62/2010**  
**(CNR No.MHAU0500 0273 2010)**

The present application for amendment in the plaint was moved by the plaintiff O.6 Rule 17 of Code of Civil Procedure.

2. It is the contention of the learned Advocate of plaintiff that due to typographical mistake the extent of area of the suit property was wrongly mentioned and the same is required to be corrected. The present amendment will not be change a nature of suit at all and therefore, it was prayed that the present application be allowed.

3. Per contra, learned Advocate for the defendants strongly resisted the application by filing his say on the backside of the application and submitted that the present application is an attempt to change the nature of the suit and therefore the same be rejected.

4. Heard both sides at length. It appears that the plaintiff by way of present amendment application are correcting only the total area of Gut No. 161, which was mentioned as 9 H.94 R.(24 A.22 G) and seeking to introduce the area as 9 H.59 R. (23 A.27G). The said

amendment would not change the nature of the suit and the same appears to be a clerical mistake. No doubt, the said application was filed at much belated stage and therefore the costs need to be saddled upon the applicant/plaintiff. Hence, considering the amendment sought is of a clerical one and will not change the nature of suit, same deserves to be allowed, subject to costs. Hence, the order:

Order

1. The application is allowed, subject to costs of Rs.3000/-.
2. Plaintiff to carry out necessary amendment as per rule after compliance of clause 1.

Date:- 14.03.2022

(S.R.Shinde)  
2<sup>nd</sup> Jt. C.J.J.D., Vaijapur.

**CERTIFICATE**

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

Name of Steno : G.K.Jadhav  
Court Name : J.M.F.C. Court No. 2, Vaijapur.  
Order Date : 14.03.2022  
Order signed by  
presiding officer on : 15.03.2022  
Order uploaded on : 15.03.2022

