

MHAU050002732010

**R.C.S. NO. 62/2010***Sanjivani Suhas Abhyankar and ors.*

V/s.

*Praya Prakash Abhyankar and ors.***ORDER BELOW EXH.101**

Perused application and say filed on it. Heard both sides.

2. It is contended by the plaintiff that this Court has pleased to pass an order below Exh.78 and allowed plaintiff to carry out the amendment. However, due to unavailability of her counsel, she is unable to carry out amendment. Hence, plaintiffs prayed to condone the delay and permission to carry out amendment.

3. On the other hand, defendant Nos. 4, 6 & 9 contested the application by filing say on the back-leaf of application. Defendants have contended that the application at Exh.78 was allowed on 14.03.2022. Present application is filed belatedly. There is gross negligence on the part of plaintiffs to carry out amendment. Finally, they prayed for rejection of the application.

4. Perused file and record. On perusal of the record, it appears that My Ld. Predecessor passed an order below Exh.78 on 14.03.2022. I have perused the order passed by My Ld. Predecessor minutely. It shows that My Ld. Predecessor allowed the plaintiff to correct area in the plaint. Considering the nature of the proposed amendment, it is necessary to decide the matter

finally.

5. Order VI Rule 17 specifically determines time limit to carry out amendment. However, to decide the matter on merit and to meet the ends of justice, it is necessary to allow plaintiffs to carry out the amendment. But at the same time, the huge delay of three years cannot be ignored. The delay needs to be compensated by saddling the cost of Rs.500/- payable by plaintiff to the contesting defendants. In the result, I pass following order :-

**ORDER**

1. Application at Exh.101 is allowed subject to cost of Rs.500/- payable by plaintiff to the contesting defendants.
2. Plaintiffs are hereby directed to comply this order on or before next date.

**Date :-** 29.11.2025.

**Place:-** Vaijapur.

(Smt. M. A. Bendre)  
**3<sup>rd</sup> Jt. Civil Judge J.D., Vaijapur.**

**CERTIFICATE**

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

Name of the Stenographer	:	Shubham B. Jadhav, Stenographer Grade-III,
Court	:	Smt. M. A. Bendre, 3 <sup>rd</sup> Jt. Civil Judge Junior Division, Vaijapur, Dist. Aurangabad.
Date of order	:	29.11.2025
Order signed by the presiding officer on	:	29.11.2025
Order uploaded on	:	29.11.2025