

MHAU050009462025



R.C.S. No.269/2017
Appasaheb Vs.
Prakash & another.

ORDER BELOW EXH.42

This is an application under Order 6 Rule 17 of the Code of Civil Procedure (for short 'C.P.C.') for grant of leave to amend written statement.

2. Defendant no.1 contends that he has filed written statement in order to defend suit of the plaintiff, but he intends to add some paragraphs in his written statement. According to defendant no.1, amendment in his written statement is necessary for avoiding complication and multiplicity of proceedings. If leave to amend written statement is granted to him, then it will aid this Court in deciding the matter on merits. With these contentions, defendant no.1 has prayed to grant leave to carry out amendment in his written statement.

3. By filing reply, the plaintiff has not opposed application in any manner, but it is submitted that proposed amendment is sought with intention to prolong trial and final hearing of the matter.

4. In view of rival contentions, following points emerge for my determination, I record my findings thereon for the reasons to follow;

Sr. No.	Points	Findings
1.	Whether proposed amendment in written statement is necessary for the purposes of determining the real questions in controversy between the parties to suit ?	 Yes.
2.	Wat order ?	... Application is allowed.

5. I have given careful consideration to submissions canvassed by ld. advocates and also gone through material on record.

REASONS

AS TO POINT NOS.1 & 2 :-

6. On the strength of application at hand, defendant no.1 desires to add paragraph nos.3-A, 3-B and 4-A in his written statement. It is significant to note that the plaintiff has not opposed application on any genuine or satisfactory grounds. It is significant to note that proposed amendment is explanatory or clarificatory. Taking into account overall facts and circumstances, I am of the opinion that proposed amendment is necessary in order to decide suit on merits and settle controversy between parties to the suit. *Per contra*, it will not cause prejudice to plaintiff.

7. In the light of above discussion, I record my finding towards point no.1 in the affirmative. Consequently, application deserves to be allowed. In the result, following order is inevitable:

ORDER

1. Application (Exh.42) is allowed.
2. Defendant no.1 shall carry out proposed amendment within 14 days and submit amended written statement and its copy within said time-limit.
3. Failure to comply order within said time-limit will result in matter going ahead at its own pace.

**Date: 12/ 11 / 2025
Place: Vaijapur.**

**(A. B. Shaikh)
Civil Judge Sr. Division,
Vaijapur.**

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order is same word to word as per the original Order.

Name of Stenographer : Anant V. Chopade,
Stenographer Grade-II.

Court : (Shri. A. B. Shaikh) Civil Judge (S.D.),
Vaijapur.

Date : 12.11.2025.

Order signed by
the presiding officer on : 13.11.2025.

Order uploaded on : 13.11.2025.

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