

Regular Civil Suit No. 34/2013.
Limbabai & Ors. V/s. Kusum & Ors.
CNR No : MHBI060002332013

ORDER BELOW EXH - 191.

Through this application by virtue of Section 148 of C.P.C., plaintiff has prayed permission to amend the plaint as per order passed below Exh. 182 on 07/10/2024. Defendant has objected the application on two grounds that, the plaintiff has not clarified that up to what extent the plaintiff is going to amend the plaint and second that plaintiff did not seek condonation of delay.

02. Having heard the rival submissions at the length, specifically having heard the well founded convincing argument of Shri. Karad at the length, I am to state that, the power under Section 148 of C.P.C. to enlarge the time is the exclusive discretion of the Court which is the matter between the party seeking enlargement of time and the Court, the other party has nothing to do with it.

03. So far as concerned to the apprehension of Shri. V. N. Karad that, plaintiff will amend the plaint as per the order below Exh. 100 which is for the entire valuation. It is worth to note that vide order below Exh. 182, plaintiff is specifically ordered to amend the plaint only to the context of house property as per order below Exh. 175. Resultantly, having been considered, the order below Exh. 182 which is clear enough, I am to state that the apprehension of defendant that plaintiff is likely to amend the plaint against the order of Court is not reasonable.

04. For more clarity it can be said that, the amendment beyond the order below Exh. 182 is not permissible if made that can be struck out as per Order 6 Rule 16 of C.P.C. Hence, the objection of defendant not to permit the plaintiff to carry out the amendment as per order appears to be unreasonable. Indeed, plaintiff needs to be permitted under Section 148 of C.P.C. to carry amendment beyond 14 days. No prejudice will going to be cause by the defendant. Hence, I reckon to pass following order;

:: ORDER ::

- 01.** Application is allowed.
- 02.** The delay beyond 14 days in carrying out amendment is condoned by virtue of discretionary powers of the Court to enlarge the time under Section 148 of C.P.C.

Place : Ambajogai.
Date : 07/11/2024.

(Z. Z. Khan)
Jt. Civil Judge (Junior Division),
Ambajogai (MHBI06-2196)

:: Certificate of Stenographer ::

"I affirm that the contents of this PDF file are word to word as per original Judgment."

Dictated On : 07/11/2024.

Transcribed On : 07/11/2024.

Checked & Signed On : 07/11/2024.

Date : 07/11/2024.
Place : Ambajogai.

Sd/-
(Akash Kabne)
Stenographer (Grade – 3)
Jt. C.J.J.D. & J.M.F.C., Ambajogai.