

MHBU190002102010

RCS No.22/2010



Gajanan Tukaram Sabale Vs. Vitthal

Lalu Rathod

Order Below Exh.70

1. This application is filed on behalf of defendants under Order VI Rule 17 of the Code of Civil Procedure to grant permission for amendment in written statement. It is stated in application that the plaintiff was filed and application below Exh.65 to grant permission to amend the plaint, which was allowed by the court by passing an order dated 08/03/2022. The plaintiff has carried out necessary amendment in the plaint by virtue of order and filed amended plaint on record.

2. The defendants want to reply to the amended portion in the plaint, therefore, present application is filed for granting permission to amend in written statement additional pleading as stated in present application.

3. The plaintiff opposed this application by filing reply below this application. It is contention of the plaintiff that present application is not maintainable in the eyes of law. If court come to conclusion to allow the application, the cost of Rs.2,000/- be imposed on plaintiff.

3. Perused the application, heard respective counsel at

length. By this application defendants want to amend written statement. They want to reply to the amended portion of the plaint. Proposed amendment in written statement is nothing but, giving reply to the amendment made in plaint. Proposed amendment is consequential amendment which needs to be allowed in order to decide real questions involved in present suit. No prejudice will be caused to the plaintiff if proposed amendment is allowed. The question of awarding costs will not arise as there is no faults of defendant to delay the suit. In the light of above discussion, I pass upcoming order :-

ORDER

1. Application below Exh.70 is hereby allowed.
2. The Defendants are permitted to carry out necessary amendment in written statement and submit copy of amended written statement on or before date without fail.

Sd/-

Place : Sindkhed Raja

(Satish G. Shinde)

Date : 15/01/2024

Civil Judge Junior Division,
Sindkhed Raja.