

MHCO120000842017



IN THE COURT OF HON'BLE JUDGE CO-OPERATIVE
COURT NO.2 PUNE, AT PUNE

Dispute No.64/2017

Bharati Madhayvarti Grahak Bhandar

----- Disputant

V/s.

Shri. Mahesh Dattatraya Kadam

----- Opponent

ORDER BELOW EXH.31

(Dictated and pronounced on 29/08/2023)

1] This is an application filed by the disputant for amendment in the dispute application. On the ground that, in para No.8 of the dispute application due to typographical mistake bill No.5479 is typed. The said bill is filed on record along with list Exh-3 at serial No.6. The true bill No. is IN 5749. Due to typographical error bill No.5479 is mentioned instead of bill No.5749. This fact is came into knowledge at the time of preparation of evidence affidavit. Therefore, for the proper adjudication of this dispute on merit, it is necessary to permit the disputant to amend this typographical error in para No.8 of the dispute application.

2] Ld. Adv. For opponent has filed reply to this application and objected this application on the ground that, application is not legal and is not maintainable. The disputant is not due diligent hence, application be rejected.

3] Heard learned advocate for disputant and Ld. Adv. For opponent at length.

4] Considering the nature of proposed amendment the disputant is only praying for correction of the typographical error occurred at the time of filing of this dispute in para No.8 of the dispute application. The photo

copy of bill No. IN 5749 dated 11/01/2014 of Rs.14,276/- is filed along with list Exh-3. The evidence is not yet started. The proposed amendment is only in the nature of correction of typographical error. In my view proposed amendment does not amount to withdraw any admission also it does not amount to introduce the new case and surprise to the opponent. Hence, it is held that proposed amendment, is relevant and necessary for the purpose of determining the real questions in controversy between the parties. Accordingly, I proceed to pass following order.

ORDER

- 1] Application for amendment filed by disputant at Exh-31 is allowed.
- 2] Disputant is directed to carry out the amendment in the dispute application, as prayed for in application Exh-31.
- 3] No order as to cost.

Date:29/08/2023

Place: Pune .

(A.S.Wanve)

Judge,

Co-operative Court No.2,Pune