

MHGA090000202019



IN THE COURT OF Extra JT. CIVIL JUDGE (JUNIOR DIVISION), CHAMORSHI
(Presided Over by S.A. Bhaisare)

Reg. Civil Suit No.04/2019

Shri. Bapuji Maruti Sayam

... **Plaintiff**

-VERSUS-

Surekhabai Murlidhar Nimje + 1

... **Defendants**

For Plaintiff	:-	Learned Advocate Shri. K. R. Mhashakhatri
For Defendants	:-	Learned Advocate Shri. V. G. Chilange

(Order Below Exh.64)
(Dated 12/06/2025)

The present application is made by the plaintiff under Order 6, Rule 17 of The Civil Procedure Code, 1908 (in short 'C.P.C.') thereby seeking to amend the plaint. The application is strongly opposed by the defendants by filing their say on the overleaf.

2. Perused the application and reply thereon. No arguments advanced by both the side.
3. Perused the record.
4. The rules of procedure, however, are handmaid to the administration of justice. A party cannot be refused just relief merely

because of some mistake, negligence, inadvertence or even infraction of the rules of procedure. The Court always gives leave to amend the pleadings of a party, unless it is satisfied that the party applying was acting mala fide, or that by his blunder, he had caused injury to his opponent which may not be compensated for by an order of costs. However, negligent or careless may have been the first omission, and, however late the proposed amendment, the amendment may be allowed if it can be made without injustice to the other side. On this count, the present application needs to be scrutinised.

5. The suit is for perpetual injunction. The trial has commenced. The case is pending for the cross examination of defendant witness no.2.

6. Perused proposed amendment. It will not fundamentally change the nature of the suit. The proposed amendment is clarifactory in nature. Also, the defendant has every chance to file amended written statement and cross-examine the plaintiff's witness(s) on the proposed amendment. Hence, no prejudice would be caused to the defendants. Moreover, it would assist the Court in determining the real question in controversy, to finally adjudicate the matter on merits and to avoid multiplicity of proceedings. Considering the delay in the progress of the suit and inconvenience caused to the defendants, it is necessary to compensate the other side adequately in terms of money. Hence, the application deserves to be allowed by passing the following order:

ORDER

1. The application below Exh.64 is allowed subject to payment of costs of Rs. 1,000/- to the defendants.

2. The plaintiff is permitted to carry out the proposed amendment in the plaint on or before 17/07/2025.
3. The plaintiff is directed to supply a copy of the amended plaint to the defendants.
4. Returnable on 17/07/2025.

Place:- Chamorshi
Date:- 12/06/2025.

Sd/-
(S. A. Bhaisare)
Extra Jt. Civil Judge, (Jr.Dn.),
Chamorshi.