

CNR NO. MHGA090004292019



IN THE COURT OF JOINT CIVIL JUDGE (JUNIOR DIVISION), CHAMORSHI
(Presided Over by Diksha D. Vighne)

Regular Civil Suit No. 40/2019

1. Shri. Arun Parshuram Katave,
Age :- 35 years, Occ.:- Agriculture,
2. Shri. Dinesh Parshuram Katave,
Age :- 31 years, Occ.:- Agriculture,
Both R/o. Kunghada Re.,
Tq.-Chamorshi, Dist.-Gadchiroli. ----- **Plaintiffs**

-Versus-

Shri. Bandu Ushtu Kothare,
Age :- 50 years, Occ.:- Agriculture,
R/o. Kunghada Re.,
Tq.-Chamorshi, Dist.-Gadchiroli. ----- **Defendant**

Appearance:- Advocate for Plaintiffs :- Shri. V. G. Chilange
Advocate for Defendant :- Shri. R. B. Kunghadkar

Order Below Exh.33

(Passed on 15/03/2023)

This is an application under Order VI Rule 17 of Code of Civil Procedure for consequential amendment in written statement.

2. Perused application and say thereon. Heard learned advocate Shri. R. B. Kunghadkar for defendant and Shri. V. G. Chilange for plaintiffs.

3. It is stated and submitted by defendant and his advocate that plaintiffs has added para 3-A and 3-B in content of plaint. As well as, sub para 1-A in prayer clause of plaint. In respect of that amendment the defendant is required to do consequential amendment in his written statement. Therefore, he has filed this application for addition of reply to para 3-A, 3-B of content of plaint and reply to prayer 1-A. As well as,

addition of para iv-A, iv-B and iv-C in written statement of defendant. Therefore, defendant and his advocate have prayed for grant of permission.

4. The learned advocate for plaintiffs has filed his say and opposed this application. According to him, the contents of application are not admitted to plaintiff therefore this application is required to be rejected.

5. I have gone through the amendment plaint of plaintiffs. The plaintiffs have added in their plaint para no.3-A, 3-B and prayer 1-A. It is a settled principle that if any material fact is brought on record after amendment then opportunity of amendment in pleading shall be given to the other party. In the case in hand, the plaintiffs have added their prayer for possession and declaration of sale deed dated 29-04-1998 to be null and void. On perusal of proposed amendment of defendant it is seen that it is nothing but their reply to the amendment carried out by plaintiff in their plaint and addition of contents regarding sale deed dated 29-04-1998 in their special pleading. The proposed amendment is necessary for the purpose of determining the real question in controversy between the parties. Therefore, considering the aforesaid reason I pass following order.

ORDER

1. Application is allowed.
2. Defendant is directed to carry out amendment and filed amended copy of written statement on today or on next date.

Date: 15.03.2023

(Diksha D. Vighne)
Jt. Civil Judge (Jr. Dn.),
Chamorshi.