

MHGA110003152023

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, KURKHEDA
(Presided Over by K.G.Mendhe)Regular Civil Suit No.09/2023

Plaintiff :- **Shri Namdeo Jayram Mankar,**
Age : 70 Years., Occupation : Cultivation,
R/o. Ambedkar Ward, Kurkheda,
Taluka – Kurkheda, District – Gadchiroli.

-VERSUS-

Defendant :- 1) **Shri Krushna Devaji Mankar,**
Age : 45 Years., Occupation :- Cultivation,
R/o. Chirchadi, Taluka – Kurkheda,
District – Gadchiroli **and Another One.**

Ld. Advocate S.S. Guru – for PlaintiffLd. Advocate U.N. Walde – for Defendants
-----**Order Below Application for permission of amendment in plaint moved by plaintiff.**

(Passed on 24/11/2023)

This is an application as per the provisions of Order VI Rule 17 of CPC filed by plaintiffs seeking amendment in plaint. By way of proposed amendment plaintiff wants correct the name of village as 'Laxmipur' in place of 'Chirchadi' where the suit property is situated. The application is supported with affidavit of plaintiff.

2. The application is opposed by defendants stating that propose amendment would change the subject matter and nature of suit

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RCS No.09/2023
Namdeo Vs. Krushna

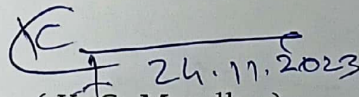
which would cause prejudice to defendants.

3. Perused application, say and the record of the case. Heard Shri. S.S. Guru learned advocate for plaintiff and Shri. U.N. Walde learned advocate for defendant.

4. Plaintiff has instituted this suit for perpetual injunction. All the documents annexed with plaint shows that the suit property is situated at village Laxmipur. It is submitted by plaintiff that by typographical mistake he has described that the suit property is situated at village Chirchadi instead of village Laxmipur. It is not the defence of defendants that the property bearing same survey number is situated at village Chirchadi and is in dispute between them. Thus, the sought amendment is merely a correction of typographical mistake. No new case is likely to be introduced due to proposed amendments. On the contrary, it will be proper and desirable for deciding the real question of controversy between the parties on merits. The trial of case is yet to be commenced as the issues are yet to be framed. Therefore, no serious prejudice is likely to be caused to the defendants if this application is allowed as they will get an opportunity to make consequential amendment in their written statement. Hence, following final order is passed.

ORDER

1. The application is allowed.
2. The plaintiff shall carry out proposed amendment in plaint within 14 days.


(K. G. Mendhe)

Date:- 24.11.2023.

Civil Judge, J.D., Kurkheda.

