

ORDER BELOW EXH. 40

[Passed on 02/04/2019]

Present application filed by defendant under O.6 R.17 of CPC for amendment in written statement. She submitted that plaintiff amended plaint and inserted new fact that defendant made encroachment on 5 x 5 feet area over suit property and also made construction of wall of bricks and mud having country tiles on it. Therefore, to deny the said amended fact defendant filed present consequential amendment application. Plaintiff filed his say and submitted that the present application is false, bogus and baseless. Therefore, present application may be rejected.

2) It is well settled principles that all amendment which are necessary for determination of real controversy in the suit should be allowed, if, proposed amendment not alter the nature of defence and cause any prejudiced to other side. In present case, amendment sought by defendant is consequential amendment. She want to deny the amendment made by plaintiff. It is formal one in nature and just and proper for final disposal of suit. Therefore, it will not cause prejudiced to plaintiff and also not change the nature of the defence. In the result, I pass following order.

ORDER

{1} The application at Exh. 40 is hereby allowed.

{2} The defendant should carried amendment as prayed till next date.

Date : 02.04.2019

Sd/-
(A. S. Deshmukh)
Civil Judge (Jr. Dn.)
Amgaon.