

ORDER BELOW EXH.17

(Passed on 02/03/2020)

- 1) This is an application filed by plaintiff for amendment of plaint. Defendant filed is say and resisted this application.
- 2) Perused the application and say filed by defendant. Heard learned counsel for both sides.
- 3) Plaintiff wants to amend the plaint in respect of word “Jawari” in place of “Kidangipar” in the plaint. Application is opposed by defendant on the ground that it is filed at belated and not with bonafide reasons. Hence, defendant prayed to reject the application.
- 4) The important criteria for allowing or disallowing the amendment is that whether the proposed amendment is with a view to show real dispute in controversy between the parties or not. Perusal of proposed amendment shows that plaintiff wants to amend the plaint in respect of oversight mistake which occurred during drafting the matter of present suit. Proposed amendment is formal in nature. Hence, no prejudice will be caused to the defendant, if the amendment in plaint is allowed. Moreover, it will avoid the multiplicity of the proceeding. Hence, application needs to be allowed. Hence, I pass following order:-

ORDER

- 1) Application Exh.17 is hereby allowed.
- 2) Plaintiff is directed to carryout the proposed amendment till next date.
- 3) Plaintiff is further directed to supply amended copy of plaint immediately after carrying out the proposed amendment in plaint.

Date : 02/03/2020

(P.B.Bharpure)
Civil Judge, Jr. Dn.
Amgaon