

ORDER BELOW EXH. NO.58.

Plaintiff filed present application for granting time to carry out amendment as per order passed below Exh.56 dtd. 04/03/2025. She contended that, she has to carry out said amendment within 14 days from the date of order. However, her learned advocate was not feeling well. Therefore, she could not able to carry out said amendment within the stipulated period. Hence, the present application is filed.

2. Defendants have filed their say at overleaf of the application. He contended that, as per Order VI, Rule 18 of the C.P.C., it is mandatory on the plaintiff to carry out the necessary amendment within 14 days from the date of order. The said 14 days have been lapsed. Therefore, the present application be rejected.

3. I heard both sides at length. I perused the entire record. It shows that, on 04/03/2025, order below Exh.56 was passed and thereby directed to plaintiff to carry out necessary amendment in the plaint within 14 days from the date of order. However, it shows that, plaintiff failed to do so. Today, the plaintiff filed present application for granting permission to carry out the said amendment in the plaint. Defendants have raised strong objection in granting the instant application. The present suit is filed for partition and possession. Considering the nature of suit and stage of the suit, the

application needs to be considered. Moreover, as per Sec.148 of the C.P.C., it provides that, where any period is fixed or granted by the court for the doing of any act prescribed or allowed by this Code, the court may, in its discretion, from time to time, enlarge such period (not exceeding 30 days in total) even though the period originally fixed or granted may have expired.

4. Considering the provision u/s. 148 of the C.P.C., the court has discretionary power to extend the period, which has fixed earlier to carry out amendment in the plaint. As earlier stated, the present suit is filed for partition and possession. Therefore, the plaintiff needs to be given just and fare opportunity to putforth her case. Hence, it appears that, time needs to be extended for carrying out necessary amendment in the plaint. If the present application is allowed, no prejudice would be caused to defendants. In this background, the application deserves to be allowed. In the result, I pass following order.

Order

- 1) The application is allowed, subject to cost of Rs.200/-.
- 2) The cost be paid to defendants.

Date: 29/03/2025.

(B.G.Pawar)
Civil Judge, Junior Division,
Muktainagar, Dist. Jalgaon.