

MHKO050004862007



Order below Exh.109 in RCS No.64/2007.
Baburao Krushna Patil V/s. Ananda Maruti
Nigade.

This application is moved by the plaintiff requesting permission to carry out the amendment which was allowed by order dtd.27/01/2026. It is contention of the plaintiff that inadvertently he failed to carry out the amendment within the stipulated time. Hence, prayed to allow the application.

2. The defendant scribed his say overleaf the application and raised strong objection. He prayed to reject the application with costs of Rs.1500/-.

3. Perused the application and say. It appears from the record that by order dtd.27/01/2026 this Court has allowed the amendment application filed by the plaintiff under Order VI, Rule 17 of the Civil Procedure Code. Accordingly, the Court had directed the plaintiff to carry out amendment within 14 days from the date of order. However, the plaintiff failed to comply with the order within stipulated time. It is necessary to note here that, already the amendment application has been decided on the merits. It is settled principle of law that procedural law is handmaid of justice. Hence, technical delay should not defeat justice. Therefore, refusing the plaintiff to carry out amendment would amount to denying him opportunity to pursue amendment already allowed. In view of above discussion this application deserves to be allowed. Hence, I pass following order:-

ORDER

This application is allowed subject to costs of Rs.100/- paid to the defendant.

Date :- 11/02/2026.

(R. D. Kharate)
Jt.Civil Judge J.D., Ichalkaranji.