

MHKO070001592011



ORDER PASSED BELOW EXH. 51

1. This application is filed by plaintiff under Order 6 Rule 17 of Code of Civil Procedure, seeking permission to carry out some amendment in the plaint. By way of this application, plaintiff wants to insert prayer for refund of earnest amount, in case court comes to conclusion that, relief for specific performance of agreement is not deserves to be granted.

2. Defendant filed his say and opposed to allow this application.

3. Heard both side gone through record. This is a suit for specific performance of agreement. In this suit alternative prayer for refund of earnest amount is not made as per Sec.22 of Specific Relief Act. However, as per Section 22(2) of Specific Relief Act, Plaint can be amended at any time in order to claim refund of earnest amount. No loss or prejudice will be caused to defendant if application is allowed. Application deserves to be allowed. Hence, following order.

ORDER

1. Application is allowed.

-2- **Special Civil Suit No. 15/2011(Exh.51)**
CNR NO.: MHKO07-000159-2011

2. Plaintiff to carry out amendment as prayed and supply amended copy on record.

Dt.: 09.12.2019.

(K.G. Sawant)
Civil Judge Sr. Division, Jaysingpur