

MHKO070006342019



ORDER PASSED BELOW EXH. 24

1] This application is filed by plaintiff under Order 6 Rule 17 r/w. Sec. 151 of Code of Civil Procedure, seeking permission to carry out amendment in the plaint.

2] **Fact of application in short are as under -**

This suit is filed by plaintiff seeking specific performance of agreement in respect of properties from Block No. 465 to 468 situated at village Umalwad, Tal. Shirol, Dist. Kolhapur. According to plaintiff, defendant had agreed to execute sale deed of the suit property from Block No. 465 to 468 situated at village Umalwad, if it become impossible to execute the sale deed of suit properties from Block No. 219 situated at village Jainapur, which he had agreed to sale to plaintiff by the agreement. By way of this application, plaintiff wants to give details about the land from Block No. 219 and he want to say as to why he has not made any relief in respect of land from Block No.219. However, now plaintiff wants to insert property from Block No. 219 as a suit property 1B and he want to say that, he is not seeking any relief in

respect of said property 1B. He also amend the date of agreement as '15/10/2009' ins tead of '15/10/2019'. Hence, this application.

3] Defendant filed his say and opposed to allow this application contending that, plaintiff filed this application after decision of application at Exh.5. He had opportunity to amend the plaint at earlier. Said amendment is going to change nature of suit. Hence, prayed for rejection of application.

4] Heard both side and gone through record. Admittedly, in this matter yet plaintiff has not adduced any evidence. Therefore, trial has not commenced. As per Order 6 Rule 17 of C.P.C., permission for amendment of plaint can be granted, if amendment is necessary to decide the real question in controversy between the parties. By way of amendment, plaintiff wants to insert details about the both properties. Certainly, proposed amendment is not going to change nature of suit property. Defendant will get opportunity to file additional written statement in respect of amended portion. So far as, delay caused due to casual approach of plaintiff is concern, same can be balanced by imposing cost on the plaintiff. Application deserves to be allowed with cost. In result, I proceed to pass following

order.

ORDER

1. Application is allowed.
2. Permission is granted to plaintiff to carry out amendment as prayed subject to cost of Rs. 500/- (Rs. Five hundred only) payable to contesting defendant.
3. Plaintiff shall carry out amendment on or before next date and supply amended copies on record.

Sd/-

(K.G. Sawant)

Civil Judge Senior Division,
Jaysingpur.

Date : 08/04/2021.