



**ORDER PASSED BELOW EXH.21**

This application is filed by applicant under Order 6 Rule 17 of the Code of Civil Procedure seeking permission to carry out amendment in the application.

2. It is contention of applicant that mistakenly in para No.3 description of suit property is not correctly mentioned. In stead of block No. 3447and 3007 applicant wants to say that plot Nos.1 to 9,27,28, 30 out of block No. 295. So also share of Sonali Magdum out of block No. 266, so also block No.257 and block No. 340/3 situated at village Dharangutti.

3. Opponent filed their say at Exh.22 and opposed to allow this application contending that it not seems to be probable that aforesaid error has occurred due to typographical mistake. They further stated that plot No. 1 to 9, 27 and 28 out of block No. 295 as well as 340/3 are not owned by defendant Trust. Therefore, said application can not be allowed.

4. Heard both sides and gone through the record. It is needless to say that while deciding application for amendment truthfulness of the contents from the amendment, is not pre-condition for allowing the application for amendment. In fact, it is to be decided at the conclusion of trial whether applicants are entitled to the relief sought in the application. Therefore, application deserves to be allowed. So far as delay and latches on the part of applicants is concerned, same can be balanced by imposing cost. Hence, following order.

**ORDER**

- (1) Application is allowed subject to cost of Rs.500/- payable by applicant to opponents on or before next date.
- (2) Applicants to carry out necessary amendment and supply amended copy on record.
- (3) In case of failure on the part of applicants to pay/deposit cost amount and supply amended copy within time, said order will stand cancelled and matter will proceed further without amendment.

Sd/-

Jaysingpur.  
Dt.: 04.06.2019.

( **K.G. Sawant** )  
Civil Judge Senior Division,  
**Jaysingpur.**