

MHKO070024272023



Sou. Vandana Subhash Potdar and others
V/s.
Sou. Parvati Ramesh Hatalge and others

ORDER PASSED BELOW EXH. 22

Defendant No. 1 has taken out present application for amendment in Written Statement at Exh. 18. According to him incorrect name of plaintiff is mentioned in W.S. so it is required to be corrected. It being typographical correction be allowed in para No. 6 of W.S.

2] In addition to this in para No. 7 of W.S. it sought to replace the sentence "तिचा मुलगा विनोद रमेश हातळगे" by inserting "संजय तुकाराम रजपूत ". In para No. 8, second line to replace "लोकांना" by inserting " शशिकांत अशोक पांडव ". Moreover to replace sentence "त्यांच्या सहया केल्या" by inserting new sentence " सही केली व प्रतिवादी नं. १ चे वतीने तिचा मुलगा श्री. विनोद रमेश हातळगे यांनी साक्षीदार म्हणून सही केली".

3] The application is strongly opposed by plaintiff vide their say at Exh. 23, in respect of proposed amendments in para No. 7 and

8 of W.S. However no strong objection is raised in respect of amendment in respect of change in name as sought in para No. 6 column No. 3 of W.S.

4] I have heard both sides. Gone through record in the light of their earlier pleadings. In my opinion the first amendment sought in para No. 1 of W.S. being formal, sought bonafide so is necessary to be allowed for avoiding further technical difficulties hence it is allowed.

5] As far as subsequent amendment in para No. 7 are concerned, no new story is tried to be brought by defendant No. 1, in respect of execution and attestation through relevant witness in respect of suit sale deed. On the contrary, it appears that proposed amendment of defendant, is explanatory and clarificatory in nature. By way of it, they are trying to bring on record the facts which are relevant and in connection with sale deed's execution, attestation and identification by the witnesses. The trial is yet not commenced.

6] The suit sale deed is registered sale deed. The proposed amendment is in consonance with the registered sale deed. The validity of which is in dispute. Thus, it is necessary to allow the application in order to decide all the material controversies between the parties fully and finally. In my opinion, if amendment will be

allowed, no any injustice is going to be caused to plaintiff as they will be at liberty to file their rejoinder to such amendment, if they desire, in accordance with law. It will also avoid multiplicity of proceeding so it is needed to be allowed. As far as negligence and delay on the part of defendant is concerned for it, the plaintiffs can be compensated with appropriate costs. Hence, I proceed to pass following order.

ORDER

- (1) Application Exh. 22 is allowed subject to cost of Rs. 1,000/- (Rs. One thousand only) payable to the plaintiffs, on or before next date.
- (2) After payment of cost defendant shall carry out amendment in W.S., supply amended copy to plaintiff as well to court.
- (3) The plaintiff will be at liberty to file rejoinder if they desire, to said amendment of defendant.

Date : 03/05/2024.

(B.A. Gaikwad)
Civil Judge Senior Division,
Jaysingpur.