



Vishnu @ Sunil Gangaram Patil
Vs.
Gangaram Baburao Patil

This is an application under Rule 17 of Order VI of the Code of Civil Procedure, 1908 for amendment of plaint.

2. Ld. advocate for the D.H. submitted that during the pendency of the petition there is typographical mistake in Exh.1 in respect of parties designation i.e. D.H./Defendant No.3 instead of D.H./Plaintiff. Hence, it is necessary to amend the petition as mentioned in the application. It is further submitted that proposed amendment is of formal in nature and the same will not cause substantial change in the pleadings of the D.H.. Therefore, according to him, no prejudice would be caused to the J.Ds., if the proposed amendment is allowed. Therefore, it is prayed to grant permission to amend the execution petition accordingly.

3. Learned counsel for the opponent submitted that if the D.H. will be allowed to amend the darkhast the entire nature of darkhast will be changed. Therefore, they requested to reject the petition with cost.

4. Perusal of proposed amendment shows that it is with a view to show real dispute in controversy between the parties. Moreover, it is pertinent to note that by way of proposed amendment the D.H. is not incorporating new facts in his pleading but only seeking to change the designation of party i.e. D.H./Defendant No.3 instead of D.H./Plaintiff. Therefore, considering settled principles of law it regarding amendment in pleading, I find there is no any impediment to allow amendment in petition by

imposing compensatory cost to the opponents. Therefore, I pass the following order:

:- ORDER :-

- 1) Application is allowed.
- 2) The D.H. is allowed to carry out amendment in petition as described in application subject to payment of cost of Rs. 500/- (Rs. Five Hundred Only) to the opponents.
- 2) The D.H. after compliance of above directions shall carry out the proposed amendment in petition and shall file amended copy of the petition on or before next date.

Place : Gadhinglaj
Date : 18-11-2025

(S. C. Havelikar)
Jt. CJSD, Gadhinglaj
District :- Kolhapur.