

MHKO120002802024



Reg.Civil Suit No.65/2024

(CNR No.MHKO120002802024)

Order below Exh.25

01. The plaintiff has filed the present application under Order 6 Rule 17 and Order 1 Rule 10 of Code of Civil Procedure (hereinafter referred as "C.P.C.") for amendment of the plaint.

02. Perused the application supported with affidavit and say of defendants. Heard both sides.

03. According to the plaintiff, he has already mentioned in para No.2 of the plaint about defendant Nos.5 and 6. But, he inadvertently not added his wife and son in the capacity of defendants. Therefore, he filed this application to implead them in the capacity of defendant Nos.5 and 6. They are formal parties and he does not want to seek any relief against them.

04. On the contrary, the defendants have opposed the application on the ground that this application is filed after filing of their written statement. It amounts to withdrawal of their contentions as to non joinder of necessary parties, which has specifically mentioned in para No.9 of the written statement.

05. I consider submissions of both sides. It is matter of record that the plaintiff has already mentioned about his wife and

son as defendant Nos.5 and 6 in para No.2 of the plaint. Therefore, it is not surprise fact and it does not amount to withdrawal of contentions raised in the written statement. The trial is not commenced. It is pending for hearing interim injunction application. The proposed amendment does not change the nature of the suit. By adding wife and son of the plaintiff as being formal parties in the capacity of defendant Nos.5 and 6 would not cause any serious prejudice to the defendants. At the same time, costs needs to be imposed upon the plaintiff to compensate the defendants. At the same time, the defendants are at liberty to make consequential amendment in their written statement. Hence, I pass following order.

ORDER

- 1) The application is hereby allowed subject to costs of Rs.300/- (Rs.Three Hundreds only).
- 2) The plaintiff shall carry out necessary amendment within 14 days from today and submit amended copy of the plaint.
- 3) The defendants are at liberty to make consequential amendment in the written statement.

Date : 18/11/2024

(V. V. Kulkarni)
Civil Judge Junior Division,
Gargoti