

Order Below Exh.32 in R.C.S. No.4/2013.

1. The plaintiff has filed this application for the amendment of the plaint as per Order 6 Rule 17 of the Civil Procedure Code.

2. **The plaintiff's claim in the present application is as under :-**

The main suit is filed for permanent injunction against the defendants. The plaintiff by way of proposed amendment wants to correct the name of the adjacent owners mentioned in the column of description of property prescribed in the plaint. The proposed amendment is formal in nature. The amendment sought will not change the nature of the suit and it will not adversely affect the defendants. If the amendment application is rejected, the plaintiff would suffer an irreparable loss. Therefore, prayed to allow the amendment.

3. As against this, the defendant No.1 filed his reply below the present application and submitted that necessary order may be passed by imposing cost. Whereas defendant No.2 contested the application on the ground that such amendment would change the suit property and ultimately prayed for its rejection.

4. Heard learned Advocates for either sides.

5. The following points arise for consideration, the Court has recorded its findings and reasons follow :-

No.	Points	Finding
1.	Whether plaintiff is entitled for proposed amendment as prayed ?	Yes.
2.	What order ?	Application is allowed.

REASONS

As to Points No.1 and 2 :-

6. The main suit is for permanent injunction against the

defendants. By way of proposed amendment the plaintiff wants to correct the typographical mistake occurred in mentioning the name of adjacent owners. The names ought to have been '**Balu**' instead of '**Babu**'. Therefore, through this amendment plaintiff wants to rectify the names of the adjacent owners. The amendment sought is formal in nature. The trial is yet to commence. Moreover, there is no change in the actual suit property but proposed amendment is sought in the name of the adjacent owners. Such amendment in fact would avoid the forthcoming complexity in identifying the suit property by the parties involved in the suit. By such amendment there would be no change in the nature of the suit. No irreparable loss would be caused to the defendants as they would be made available with the right to defend the suit and submit consequential written statements, if any. However, for such act of plaintiff some inconvenience is caused to defendants which can be taken care of imposing certain cost. Accordingly, the Court answer point No.1 in the affirmative and in answer to point No.2, pass the following order:-

ORDER

1. The application is allowed subject to cost of Rs.500/- (Rs. Five Hundred Only) to be adjusted by paying equally amongst the defendants (i.e. Rs.250/- each defendant).
2. The plaintiff is directed to carry out the amendment as prayed within the statutory period.

Sd/-

Date: 28/06/2018.
Place: Kagal

(A.A.K. Shaikh)
Civil Judge Jr. Dn., Kagal

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	S S Gorwade
Name of Court	Civil Court & J.M.F.C. Kagal
Date of Dictation	28/06/2018
Judgment signed by the P.O. on	28/06/2018
Judgment uploaded on	30/06/2018