



Jingonda Chougale etc. Vs. Smt. Anjana Chougule etc.

CNR - MHKO130005782021

ORDER BELOW EXH. 25 IN R.C.S.No. 120/2021

1. This application is filed by plaintiffs' under Order 6 Rule 17 of Code of Civil Procedure to amend the contents of affidavit filed in lieu of examination in chief by plaintiff no. 5.

2. According to plaintiffs', this suit is filed for possession, declaration and perpetual injunction under section 34 & 38 of Specific Relief Act. It is pleaded that, they have prayed certain amendment as to clerical mistake suit property number as well as some word as stated in the application which are required to be carried out for the interest of justice. The gist of application is to delete the last line of "The defendant has given" and to insert "The defendant did not" by way of amendment as well as to delete the "Gat No. 157" and to insert "Gat No. 147" is required to be inserted in para no. 8 of plaint. Therefore, prayed certain amendment as prayed in the application.

3. It is submitted by the learned advocate of the plaintiffs' that, by allowing this application no prejudice will be caused to the defendants and nature of suit will not change. It is submitted that, the suggested amendment is clerical in nature and it is subsequently acknowledge by this plaintiffs. It is added that, no loss would be caused to defendants, if the application is the allowed. Whereas, if the application is rejected, the plaintiffs' may suffer loss. It is argued that, the amendment would help to bring the proper facts on record. Hence, prayed to allow the application.

4. Contrary, this application is strongly opposed by the defendants by filing their say overleaf of this application and submitting that, the application is false and not maintainable. This application is move to fill up the lacuna. The proposed amendment is not formal in nature and it would change the nature of evidence. It is submitted that, if the application is allowed, nature of evidence will change. It is

submitted that, there is no due diligence on part of plaintiffs. It is argued that, just to harass the defendants and to prolong the suit, this false application is filed. Hence, prayed to reject the application with costs.

5. I have perused the record. Heard both the parties.

6. Considering, suggested amendment it appears prima facie as to clerical in nature. By such amendment no prejudice will be caused to the defendants. Further, the defendants will get every opportunity to file consequential amendment. Thus, considering nature of amendment, the plaintiff is permitted to carry out necessary correction as stated in the application, below Exh. 24.

Kagal.
Date:- 01/10/2024.

(B.D.Gore)
Civil Judge Junior Division,
Kagal.