



Devaba Patil Vs. Sonabai Patil

CNR - MHKO130010682015

ORDER BELOW EXH.40 IN R.C.S.No. 02/2016

1. This application is filed by plaintiff to rectify the Gat number of suit property under Order 6 Rule 17 of Code of Civil Procedure.

2. According to the plaintiff, single amendment in plaint para no. 1 requires rectification in the Gat no. "231/1" as "232/1". According to plaintiff, said mistake is occurred inadvertently. It is clerical one and such amendment will not change the nature of suit. According to plaintiff, as he noticed the said mistake while cross-examination of plaintiff soon he moved the application. By such amendment no prejudice will be caused to the defendants, nature of suit will not change. Rather it will help the court to access the justice. Hence, prayed to allow the application.

3. Contrary this application is opposed by defendants by of say filed below same application. According to defendants, evidence of plaintiff is closed by this court by passing order below Exh. 1. Further, cross-examination of plaintiff is over. It is argued on behalf of defendants that, there is no due diligence on part of plaintiff to carry out the amendment at earliest. Moreover, such amendment will change the nature of suit. Hence, argued to reject the application.

4. I have perused the record. Heard the learned advocate

for both the parties. In the present application, only the plaintiff has sought single amendment in plaint para no. 1 with prayer to amend the Gat no. “231/1” as “232/1”. Considering say, nature of amendment, it will not change the nature of defence. Admittedly, the mistake is clerical one. Apart from that, no prejudice will be cause to defendants by such amendment. Moreover, nature of pleading will not change. Apart from that, the defendants will get equal opportunity to rectify their w.s. with right of cross-examination. In such circumstances, application deserves to allow. In the result, following order is passed.

<u>ORDER</u>	
1.	The application Exh. 40 is allowed.
2.	The plaintiff is permitted to carry out the amendment as prayed in the application.
3.	Plaintiff to carry out the necessary amendment within stipulated time.
4.	No order as to costs.

Kagal
Date:- 25/07/2022

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