

Order below Exh. 57 in Regular Civil Suit No. 103/2007.

This is an application moved by plaintiffs under Order 6 Rule 17 of the Code of Civil Procedure for amendment of plaint.

2) Plaintiffs contended that they filed suit for the relief of partition and separate possession along with consequential relief of perpetual injunction. Plaintiffs further contended that while typing the plaint at page No. 3 part No. 3 line No. 4 they typed the year 1969 instead of year 1959. Therefore, by way of this application, plaintiffs want to correct the typing mistake of the year 1969 instead of 1959. Hence, the application.

3) The perusal of say filed by defendants at Exh. 61 revealed that the application is false. If application is allowed, then nature of suit will be changed. Hence, the application is liable to be rejected with costs.

4) Admittedly, by way of this application, plaintiffs want to correct the year i. e. 1959 instead of 1969. As one digit i. e. digit 6 was typed instead of digit 5. Therefore, in my considered view, the application is bonafide one. If the application is allowed, then only the year i. e. 1969 is deleted and the year 1959 is inserted. Therefore, it would not cause prejudice to the rights of the defendants. Moreover, if the application is allowed, the nature of suit will not be changed. Hence, the application deserves to be allowed.

5) Admittedly, the plaintiffs sought the amendment after lapse of 8 years. Therefore, plaintiffs have to compensate to the defendants as well as to the Government. Therefore, I proceed to pass the following order.

O r d e r

1) Application is allowed subject to depositing costs of Rs.500/- (Rupees five hundred only) in the Court.

2) On depositing costs of Rs.500/-, the Assistant Superintendent is directed to credit the amount of Rs.200/- to the Government and remaining costs of Rs.300/- be paid to the defendants.

3) Plaintiffs are permitted to carry out the amendment as prayed and file the copy of amended plaint on or before next date.

4) Failure to comply the above order on or before next date, the application shall be deemed to be rejected.

Sd/-

(M. D. Thombare)
Civil Judge, Jr. Dn., Chandgad.

Dated:- 06/01/2016.

CERTIFICATE

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

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| Name of the Stenographer | Shri. V. L. Tadkod, L. G. Stenographer. |
| Name of Court | Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad. |
| Date of Dictation | 06/01/16 |
| Judgment signed by the P. O. on | 06/01/16 |
| Judgment uploaded on | 07/01/16 |