

MHKO150000912015



R.C.S. No. 18/2015.
Balaku Vs. Dhondiba

ORDER PASSED BELOW EXH. NO. 73

This is an application filed by plaintiff under order VI rule 17 of Civil Procedure.

2. According to plaintiff, he has filed present suit for possession and mandatory injunction. The defendants have filed wrong pleading and disputed the ownership of plaintiff. According to plaintiff, by mistake the date was wrongly typed. Therefore, plaintiff wanted to correct the typing mistake. He lastly prayed for allowing application.

3. The defendants have filed their say. They denied all allegation, pleading and prayer of plaintiff. According to them, the proposed amendment will be changed nature of dispute. The application filed for prolonging the matter. They lastly prayed for rejection of application.

4. Heard learned advocate Shri. D. D. Ajagekar for plaintiff and learned advocate Shri. A. S. Farakate for defendant.

5. Perused application, say and record.

6. By way of present application, plaintiff wanted to correct some typographical mistake and to correct of number and date of adoption document. The proposed amendment does not change the nature of suit. By way of present application, plaintiff wanted to insert pleading.

7. The proposed amendment is in respect of clarification. The proposed amendment does not harmful to the defendant. The proposed amendment is in respect of correction of typing mistake. The proposed amendment is necessary for determine real question in controversy between the parties. The trial of present suit is commenced.

8. Considering all above discussion, I am coming to conclusion that, the proposed amendment is necessary for determine real question in controversy between parties. The proposed amendment does not harmful to the defendant. If application allowed then, no any irreparable loss will be caused to the defendant. Other hand, if application rejected then, definitely irreparable loss will be caused to the plaintiff. The trial of suit is commenced. Hence, the application needs to be allowed. Therefore, I pass following order,

ORDER

1. The application is allowed.
2. The Permission granted to plaintiff to amend the plaint accordingly within fourteen days from today.

Date:- 04.10.2022.

(S. P. Jadhav)
Civil Judge,J.D., Ajara.

Certificate

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	Mrs. Y.S.Chavan.
Name of Court	C.J.J.D. Ajara
Judgment/order Dictated on	04-10-2022
Judgment/order typed on	04-10-2022
Judgment/order signed by the P. O. on	04-10-2022
Judgment/order uploaded on	06-10-2022