

R. C. S. No. 75/2019.
Anita & Ors. Vs. Tukaram & Ors.
MHKO150003862019

ORDER BELOW EXH- 65.

Perused application and say. Heard counsel for both sides while filing an application and say.

2. Plaintiffs have filed this application for amendment of plaint. It is contention of plaintiff that, in explanatory manner they intend to add para 4/A in their pleading for clarification. The proposed amendment just for the final decision of the suit and they have claim it before commencement of trial. Hence, prayed to allow the same.

3. Defendant no.1 vide his say at Exh.69 strongly opposed. He contended that, now suit is pending for evidence and plaintiff filed this application at belated stage. The contents of application are false and denied by him toto. Present application filed by plaintiff with intend to prolong the suit. If it rejected, no prejudice caused to plaintiff. However, if it allowed, it would create inconvenience to this defendant.

4. Perused record. This suit is for evidence and plaintiffs have filed this application. Yet plaintiffs have not adduced their evidence. The proposed amendment prayed by plaintiffs is just explanatory in nature. Defendant having opportunity to oppose the same by filing additional W. S. The nature of amendment within knowledge of plaintiff. However, they could not sought it at earlier stage.

5. Yet evidence of plaintiff not begun. It is not claim of defendant that, plaintiffs withdrawn their previous admissions. Hence, considering nature of proceeding no prejudice cause to defendant, if

application allowed. Thus, considering delay some cost need to be impose over plaintiffs. Hence, in result I pass following order,

ORDER

1. Application stands allowed, subject to cost of Rs.1,000/- paid to Legal Aid, Ajara.
2. After payment of cost amount, plaintiffs be permitted to carried out amendment in plaint as prayed within stipulated period of 14 days.
3. Defendants having liberty to file their amended W. S. after compliance of an order by plaintiffs.
4. Parties to take note.

(R. P. Thore)

J.O.Code No.MH02897

Civil Judge, Junior Division,
Ajara.

Place- Ajara.

Date- 04.04.2026.

