



Regular Civil Suit No.98/2020

Santosh Sampat Shete

Vs.

Krushna Daulu Jadhav (Deceased)

ORDER BELOW EXH - 54

This is an application under *Order VI Rule 17 of The Code of Civil Procedure, 1908* (hereinafter referred as "C.P.C.") for amendment in plaint.

2. Perused the pleadings, submissions in regard to present application and documents placed on record. Heard the arguments advanced by learned advocates for both parties.

3. Considering the matter before this Court, following points arises for my determination. Decisions on them are recorded for reasons to follow ;

POINTS FOR DETERMINATION

DECISIONS

1. Whether proposed amendment is just and necessary for the purpose of determining the real question in controversy between the parties?

...Yes.

2. What order ?

Application is allowed.

REASONS

AS TO POINT NO. 1

4. Before coming on to the merit of this application, it is important to mention that, the purpose and object of *Order VI*

Rule 17 of CPC is to allow the party to alter or amend his pleadings in such a manner and on such terms as may be just. Powers to allow the amendment are wide and can be exercised at any stage of the proceedings in the interest of justice and on the basis of guidelines laid down by judicial precedents. Needless to say, that, amendment in pleadings cannot be claimed as a matter of right and under all the circumstances. However, while deciding the prayer for amendment, the Court should not adopt a hyper technical approach. Liberal approach should be the general rule, particularly, in the cases where the other side can be compensated with costs. Technicalities of law should not be permitted to hamper the Court in administration of justice between the parties. Amendments are allowed in pleadings to avoid uncalled-for multiplicity of litigation.

5. By way of proposed amendment, plaintiffs intend to add in title clause the new address of defendant No.20 and 22 as per bailiff report. Therefore, it is not the case that, it is something new fact on record. Already plaintiff No. 20 and 22 is on record but as per bailiff report plaintiff wants to change new address of plaintiff No. 20 and 22. Therefore, new story is not brought on record. Whether said relief is to be granted or not is a matter of adjudication on merit and at this stage of deciding the application for amendment this aspect cannot be decided. Therefore, proposed amendment is just and necessary. Trial has not yet commenced. Therefore, I conclude that proposed

amendment appears to be just and necessary. In result I answer point No.1 in the affirmative.

AS TO POINT No.2

6. From the finding to the point supra, the application deserves to be allowed. Finally, I answer point No.02 as application is allowed and I pass following order ;

ORDER

- 1) Application is allowed.
- 2) Copy of amended plaint shall be filed within next 14 days from date of carrying out amendment.

Date.17.10.2024
Panhala

Smt. V. R. Mane,
Civil Judge Jr. Dn.,Panhala