

Order Below Exh.23 In R.C.S.No.257/2017.

Plaintiff has filed the amendment application under Order 6 Rule 17 of the Civil Procedure Code. According to him, defendant is appeared before the Court and claiming Gat No.109 is self-acquired property of defendant no.3. Moreover, there is some typographical error in Gat No.109 and 171. Therefore, he wants correct the gat number along with share. Hence, pray for allow the application.

02. Defendants strongly opposed the application on the ground that only to prolong the hearing plaintiff has filed the present application. Hence, pray for rejection.

03. Heard both sides. Perused application, say. After going through pleading of both parties it reveals that, plaintiff has filed the suit for execution of his preferential right to purchase the suit property. By way of proposed amendment plaintiff want to correct the Gat number and share. In Para No.2 of plaint he wants to add “Gat No.171 to the extent 2 Aane 3 Pai share instead of Gat no 109, 4 Aane 4 Pai” and 109 out of 4 Aane 7 Pai instead of 171 out of 2 Aane 3 Pai share.” Moreover, by way of proposed amendment he wants to claim that Gat No.171 is ancestral and joint family property. The proposed amendment will not change the nature of the suit. Though issues are framed the evidence is yet to begin. The proposed amendment is necessary for determining the real controversy between the parties. If application is allowed no prejudice will be caused to other side. If any inconvenience is caused to other side shall be compensated by imposing cost on applicant. Hence, following order.

ORDER

1. Application is allowed subject to cost of Rs.300/- and paid to defendant.
2. Plaintiff is directed to carry out the necessary amendment within 14 days from today.

Sd/-
(M. S. Todkar)
Civil Judge Junior Division,
Kale(Kheriwade).

Date :- 12/07/2017.

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

Name of the Stenographer	K. B. Chavan
Name of Court	Civil Judge, Junior Division & Judicial Magistrate, First Class, Kale (Kherivade).
Date of Dictation	12/07/2017.
Order signed by the P.O. on	13/07/2017.
Order uploaded on	26/07/2017.