

	<p>Order below Exh.18 in Reg. Civil S. No. 1030/2022 (Passed on this 12th day of January of 2023) <u>Bhagwan Vrs. Kaushalyabai & Ors.</u> CNR NO.MHLA060026762022</p>
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01. The present application is filed by the plaintiff for the amendment in the plaint under Order VI Rule 17 of Civil Procedure Code (for short 'the C.P.C.'). It is contended that the plaintiff has filed Suit for declaration and perpetual injunction against the defendants. According to plaintiff, in para No.02 Lane No.08 and 11 of the plaint due to typological mistake, mentioned land Sy. No.08-B, instead of land Sy.No.08. So that, he wants to amend the plaint as proposed.

02. According to plaintiff is that, proposed amendment would not change the nature of the suit and it would not cause any prejudice to the defendants. However, it would cause the prejudice to the plaintiff if the plaint is not amended. It is further contended that, to bring the true facts on record and in order to avoid the multiplication of the judicial proceeding the proposed amendment is necessary.

03. I have called the say of the defendants. The learned counsel of defendants have given say on this application and opposed the proposed amendment. On the ground that, proposed amendment would cause prejudice to the defendants. The plaintiff did not adduce specific reason why he wants to amend at this stage. The proposed amendment is filed with intend to prolonged the matter. Matter is at initial stage and they intentionally prolonged the matter by moving same nature of application. He further

submitted that, it would change nature of suit. He has prayer for rejecting the application for amendment.

04. I heard the Ld. Shri. B.H. Nanware, Advocate for plaintiff and Ld. Shri. R.S. Kendre for defendants. Upon consideration the application, the say and hearing of both sides, the following points arise for my determination to which I have recorded my findings for the reasons to be followed:

Sr.No.	<u>Points</u>	<u>Findings.</u>
1.	Whether the plaintiff is entitled to get amend the plaint as prayed for ?	<u>Yes.</u>
2.	What order ?	Application is allowed.

REASONS

Point No.01:-

05. In support of the application, the plaintiff has filed affidavit and supported his contention in respect of amendment in the plaint. On the contrary, the learned counsel of defendants have objected that, the proposed amendment is vague and there is no sufficient cause for amendment.

06. It appears that due to propose amendment no prejudice would be caused to the defendants. It appears that, to meet the ends of justice and to avoid multiplicity of the litigation, amendment claimed by the plaintiff in the plaint is must. If the application is not allowed, it would be caused serious to the plaintiff. Contrary, if the application is allowed it would not caused prejudice to the defendants. The application of plaintiff is at initial stage. Therefore, defendants could not sufferer; so it would not be

compensated in view of costs. Therefore, I answer to the **Point No. 1 in the affirmative.**

Point No.02:-

07. In the backdrop of above discussions and my affirmative finding on point No.01. It is clear that, the plaintiff is entitled to amend in the plaint as sought. In the result, as answer to the **Point No.2, I pass the following order.**

:- ORDER :-

1. The application is allowed.
2. The plaintiffs to carry out the amendment in the plaint within 14 days from today and supply amended copies of the plaint within one week thereafter.
3. Failure of the plaintiff to carry out amend and to supply the copies in stipulated time, would result into automatic vacation of the order without further reference to the court.

(Dictated and pronounced in open Court)

Place :- Ahmedpur,

Date :- 12.01.2023.

(Shyam S. Tondchire)

IIIrd Jt. Civil Judge (Jr.Dn.)

Ahmedpur.