

Order below Exh.33 in RCS No.176/2013  
( Tanibai vs. Tanubai and other )

Read the application, say filed on it. Heard the learned counsel for both side. By the application, the plaintiffs sought to correct area of the suit properties as well as bring the certain necessary parties as to controversy of partition in the plaint. The proposed amendment is necessary for determining the real controversy between the parties. It does not change the nature of the suit. It does not take any vested right in the nature of admission of the defence. It is not seen that, the amendment is out of limitation. It is fact that, the suit is of 2013, and the plaintiff sought to proposed amendment after the delay of more than 2 and half years. The delay could be compensated by way of cost, it cannot be ground to reject the amendment, and when the trial is not yet commenced. Hence, the proposed amendment is allowed subject to cost of Rs.500/-. The amendment be carried out in the plain on payment of cost on or before next date.

Date: 22.03.2016.

(M.M.Gadiya )  
Jt.Civil Judge,J.D.,Ausa.