

R.C.S. No.394/2018.  
Vinayak Vs. Ranjana

**ORDER PASSED BELOW EXH. NO.58**

1. This is an application filed by defendant No.1 to 3 under order VI rule 17 of C.P.C.

2. According to defendant No. 1 to 3 the plaintiffs have pleaded about one agreement dated 7.2.2011. Defendant No. 1 to 3 have filed their written statement and denied that agreement. But by mistake the specific denial not given. For inserting the denial in respect of agreement it is necessary to amend written statement. They lastly prayed for allowing application.

3. The plaintiffs have filed their say. According to them the application is not maintainable. The matter is posted for hearing of temporary injunction application. They lastly prayed for rejection of application.

4. Perused record, application and say.

5. Heard learned advocate Shri. S. S. Khedmanorkar for defendant No. 1 to 3 and S. H. Patel for plaintiffs.

6. On perusing pleading of plaintiff it appears that plaintiff pleaded in respect of agreement dated 7.2.2011. According to plaintiff father of defendant No. 2 and husband of defendant No. 1 that is Satish Patil has executed one agreement dated 7.2.2011 in their favour. On perusing written statement of defendant No. 1 to 3 it appears that the defendants are specifically denied the agreement. But they are not added detailed denial in respect of agreement. Considering these situation in my view the purposed amendment does not changed the defense of defendants. The purposed

amendment is needs for the clarification in respect of denial of agreement. The proposed amendment does not changed nature of suit, written statement or defense of defendants. Considering these circumstances in my view the proposed amendment is necessary for the determining the real question in controversy between the parties. Application needs to be allowed. Hence I pass following order.

#### O R D E R

1. The application is allowed subject to cost.
2. Permission is granted to defendant No. 1 to 3 to amend the pleading accordingly.
3. Defendant No. 1 to 3 are hereby directed to carry out the amendment within 14 days.
4. No order as to costs.

Date:- 13/03/2019.

(S. P. Jadhav)  
Jt. Civil Judge, J.D., AUSA.