

ORDER BELOW EXH. NO. 77

1) Plaintiff has filed this application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the suit. The plaintiff contended that, he has filed this suit for perpetual injunction. But at the time of filing the suit inadvertently he failed to mention the correct area of suit property. Therefore, he sought to correct the area of the suit property.

2) Defendants resisted the application by filing say and contended that, the area of the suit property was known to plaintiff at the time of filing of the suit. Therefore, plaintiff could not amend the suit. He only wants to collect the evidence by amending the suit. Hence, prayed to reject the application.

3) Heard the learned counsels for the respective parties.

The plaintiff only wants to correct the area of the suit property. The application of plaintiff is supported with affidavit. The propose amendment is necessary for determining the controversy between the parties. It will not change the nature of the suit. Therefore, considering the submissions made on behalf of plaintiff it will be just and proper to allow the application. As this application is filed after the commencement of the suit, I proceed to pass the following order.

ORDER

1. The present application is allowed subject to cost of Rs.300/- (Rupees Three Hundred only).

2. Plaintiff is hereby directed to amend the suit within 14 days from the date of order and file the amended plaint.

Date:- 13/09/2017.

(V. D.Bhosale)
Civil Judge,J.D.,
Ausa.