



R.C.S. No.565/1997.
Maheboob Vs. Sushilabai

ORDER BELOW EXH. NO.206

1. This is an application filed by defendant No.3 to amend pleading, as per order VI rule 17 of C.P.C.
2. According to defendant No.3, plaintiff has filed present suit for declaration of ownership and perpetual injunction in respect of the suit property. According to defendant No.3, she has filed her written statement through power of attorney holder her son Ramesh Mahadu Shinde. At the time of filing written statement instead of defendant No.3 it is wrongly typed as defendant No.1 in column No.3 in last second line, in page No.2 column No.1, in page No.3 column No.6 at line No.3 & 4 and in prayer column in line No.1 and beside date. In this situation, defendant No.3 prayed to amend her written statement. She lastly prayed for allowing application.
3. Plaintiff has filed say to present application. According to him, application is not within limitation. The application is not maintainable. He lastly prayed for rejection of application.
4. Heard learned advocate Shri. S.S. Khedmanorkar for defendant No.3 and Shri. A.M. Pathan for plaintiff..

5. Perused record, application and say.

6. On perusing record it appears that the plaintiff has filed present suit for declaration of ownership and perpetual injunction in respect of the suit property. The defendant No.3 on affidavit stated that at the time of filing written statement instead of defendant No.3 it is wrongly typed as defendant No.1 in column No.3 in last second line, in page No.2 column No.1, in page No.3 column No.6 at line No.3 & 4 and in prayer column in line No.1 and beside date. Therefore, the defendant No.3 wanted to amend written statement. It is pertinent to note that the purposed amendment does not changed the nature of suit. Considering these situation, I am of the view that the purposed amendment does not changed the nature of suit. Purposed amendment is necessary. If purposed amendment is allowed then no irreparable loss caused to the plaintiff. The purposed amendment is necessary to decide the real question between the parties. Considering these all circumstances, in my view application needs to be allowed.

ORDER

1. The application is allowed. Permission is granted to defendant No.3 to amend written statement accordingly.
2. The defendant No.3 is hereby directed to carry out the amendment within 14 days.
3. No order as to costs.

Date:- 24/02/2020.

(S. P. Jadhav)
Civil Judge,J.D., Ausa.