

ORDER BELOW EXH. NO.29 IN Spl. C.S. NO.12/2024
(Sharifkhan Hasankhan Pathanand another Vs. Akhil Mohammad
Sharif)
(Passed on this *18th Day of August, 2025*)
CNR.NO.MHLA170000472024.

Plaintiffs have filed this application under O-VI Rule 17 of the Code of Civil Procedure for carrying out proposed amendment in para No.1 and line No.1 of the plaint. It is further submitted by plaintiffs that by mistake it has been written "That the defendant is owner and possessor of agricultural land" instead of " the defendant has agreed to sale the suit property to plaintiffs on 17/05/2023. Furthermore, plaintiffs be granted permission to insert the word "was" instead of "is". It is a typographical mistake. Hence, the application be allowed for the just decision of the suit.

2. The defendant has filed his say and objected the application on the grounds that, carrying out proposed amendment will change the nature of suit. The application is not tenable in the eyes of law. The application below Exh.5 is rejected, therefore plaintiffs have come up with this application. Hence, the application be rejected.

3. Hear learned counsels for both the parties. Perused the record. In view of O-VI Rule 17 amendment can be carried out in the plaint at any stage of the suit. Allowing the application of plaintiffs will not cause any prejudice to the defendant. It will not change the nature of suit. On the contrary it will help in just decision of the suit. Hence, the application is liable to be allowed. Therefore, I pass following order :-

ORDER

1. The application is allowed.
2. Plaintiffs are granted permission to carryout proposed amendment in the plaint as mentioned in para No.2 of the application within 14 days from this order.
3. No order as to cost.

(P. I. Mokashi)

Date : 18.08.2025.

Civil Judge Senior Division,

Place : Ausa.

Ausa.