

Order below Exh.37 in R.C.S. No.27/2024.
Shobha Vs. State and others.
(Order passed on 09th January, 2025.)
CNR No.MHLA170001342024

The plaintiff has filed application under Order VI Rule 17 of the Civil Procedure Code for carrying out amendment in the plaint. The plaintiff submits that, it is inadvertently mentioned in para No.2 of the plaint while describing four boundaries of the suit land that, towards southern side land bearing S.No.196/B owned by defendant No.1 instead of defendant No.3. It is a typographical mistake. Therefore, the plaintiff prayed that, permission may be granted to the plaintiff to carry out proposed amendment and prayed to allow the application.

2. Perused the say of defendants No.3 to 5. They objected the application on the grounds that, the plaintiff has filed this application only to prolong the matter. Hence, they prayed to allow the application with cost.

3. Heard learned counsels for both the parties. Perused the record. The plaintiff has inadvertently mentioned in para No.2 of the plaint while describing four boundaries of suit land regarding the land situated towards southern side is owned by defendant No.1 instead of defendant No.3. It is a typographical mistake. It can be corrected at any stage of the suit. It does not change the nature of suit. No prejudice will be caused to defendants, if the application of plaintiff is allowed. Hence, for the just decision of the suit the plaintiff is entitled for carrying out proposed amendment. Therefore, I pass following order:-

ORDER

1. The application is allowed.
2. The plaintiff is granted permission to carry out proposed amendment in para No.2 of the plaint and delete the word defendant No.1 in the description of four boundaries regarding the property situated towards southern side and insert the word defendant No.3 instead of defendant No.1
3. The plaintiff shall carry out the proposed amendment within 14 days from this order.
4. No order as to cost.

Place:-Ausa.
Date : 09.01.2025.

(P. I. Mokashi)
Civil Judge, Senior Division,
Ausa.