

ORDER PASSED BELOW EXH. 33

Dated : 30.08.2022

CNR No. MHNB080005582019

1. The present application came to be filed by plaintiffs for amendment in plaint Under Order 6 Rule 17 of the Code of Civil Procedure. By way of present application plaintiffs have contended that while preparing the plaint due to typological mistake name of defendant No. 1 came to be typed as Manubai Maharya Mavchi, instead of Manubai Nahalya Mavchi. Plaintiffs contended that, the typological mistake caused and same needs to be corrected in the plaint. Hence they prayed to allow application.

2. Defendants have filed their say overleaf of the application. Defendants objected application. They further submitted that, application is not filed in proper form and it is belated by way of present amendment the nature of matter will be changed and they prayed to reject application.

3. Heard Ld. Advocates for the parties. On perusal of contentions of the application itself it appears that the wrong name of defendant No. 1 came to be mentioned in the plaint due to typological mistake. Here it is important to note that, defendants have not disputed the said fact. Moreover, the defendant No. 1 Manubai appeared in the matter by mentioning her name Manubai Nahalya Mavchi. It is settled law that while dealing with application for amendment liberal view is required to be taken. Considering fact of typological mistake this Court is of opinion that the application is required to be allowed. Hence, following order is passed..

ORDER

1. Application is allowed subject to costs of Rs. 100/- be paid to defendants.
2. Plaintiffs shall carry out amendment and file amended plaint on or before next date.

Date:30.08.2022
Navapur

(Pankaj R. Phulari)
Civil Judge (Jr. Div),
Navapur.

CERTIFICATE

“ I affirm that the contents of this PDF file order are same word for word as per original order.”

Name of Stenographer	:	M. N. Ahirrao, Stenographer (Grade-III),
Court Name	:	Shri. P.R. Phulari, C.J.J.D., Navapur
Date	:	30.08.2022
Order signed by presiding officer on	:	30.08.2022
Order uploaded on	:	30.08.2022

