

ORDER PASSED BELOW EXH. 44
(Passed On : 24.04.2023)

1. The present application came to be filed by the plaintiffs for amendment in plaint Under Order 6 Rule 17 of the Code of Civil Procedure. By way of present application the plaintiffs have contended that while preparing the plaint due to inadvertent mistake name of defendant No. 4 Ansa Arjun Gavit came to be wrongly mentioned instead of Hansa D/o Arjun Gavit (Hansa W/o Krishna Mavchi). By way of present application the plaintiffs have prayed to allow them to make amendment as per their prayer.

2. Defendants have filed their say overleaf of the application. Defendants objected application. They submitted that, the present application is not filed in proper format and without following legal provisions. They further contended that, now as per Order of this Court heirs of defendant No. 4 Ansa Arjun Gavit have been brought on record and now the present application is not maintainable so they prayed to reject application.

3. Heard Ld. Advocates for the parties. On perusal of pleading of both the parties it clearly appears that, the present typographical mistake came to be caused due to inadvertent mistake. Admittedly, legal heirs of Defendant No. 4 have been brought on record and she has been died but for the purpose of record her name should be properly mentioned even it is shown as dead.

4. Considering nature of matter if the plaintiffs are permitted to insert proposed amendment and proper name of the deceased defendant No. 4 then matter can be properly adjudicated and it will be good for the purpose of record. It is settled law that while dealing with application for amendment liberal view is required to be taken. Delay caused can be compensated. Hence following order is passed..

ORDER

1. The application is allowed subject to costs of Rs.150/- be paid to the defendants by the plaintiffs.
2. the plaintiffs shall carry out amendment and file amended plaint on or before next date.

Navapur
Date:..24.04.2023

(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	:	24.04.2023
Order signed by presiding officer on	:	24.04.2023
Order uploaded on	:	25.04.2023