



1) As both these application filed by the Defendant No.2 regarding amendment under Order 06 Rule 17 of the Code of Civil Procedure and contends in the application appears to be same. Therefore, in order to repetition of facts these application dealt with together.

2) The Defendant No.2 contended that, out of the Plaintiff one Rajesh Madanlal Gandhi filed Appeal No.197/SR/2016-2017 of Mouza Kelwad against the Defendant and Deputy Superintendent of Land Record, Saoner before the Superintendent of Land Record, Nagpur which has been dismissed on 09.10.2017. The dismissal of the appeal is a subsequent event after filing of written statement on 10.04.2017 by the Defendant No.2. The other Defendants also adopted written statement of Defendant No.2. In para 18 of the written statement already the pendency of the above appeal is mentioned by the Defendant No.2. Therefore in view of the subsequent event, the proposed amendment needs to be inserted after para No.18 of the written statement. It is contended that, if amendment will be allowed, there would not be any changed in the nature of defence. Hence, application be allowed.

3) The learned advocate for the Plaintiff opposed the application on the ground that, the aforesaid proposed amendment is not concerned with the present civil proceeding. The order of the revenue authority is not binding on the civil court. Hence, application deserves to be rejected.

4) I heard both sides, I perused the application, say filed and

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written statement of the Defendant No.2. From the written statement, it reveal that, Defendant No.2 as already mentioned pendency of the aforesaid appeal bearing No.197/SR/2016-2017 of Mouza Kelwad, Taluka Saoner, District Nagpur. When in the written statement Defendant No.2 all ready stated about the pendency of the appeal, hence if proposed amendment will not carried out then it will caused injustice to the Defendant No.2. As written statement is filed by the Defendant No.2 prior to disposing of said appeal. Under such circumstances, when subsequent event regarding the said appeal is happened, naturally it is the boundant duty of the Defendant No.2 to inform it to the court. Under such circumstances, if such amendment will be carried out, it will not changed the nature of the defence. In other words, it can be said that, Defendant No.2 has diligent over his right and obedient about the supply of information which had happened subsequently after filing the written statement to this court. Under such circumstances, in my considered opinion, proposed amendment needs to be carried out and hence in view of the above discussion, I pass the following order.

ORDER

- 1) Application stands allowed.
- 2) Defendant No.2 directed to carry out proposed amendment within 14 days from the date of this order.
- 3) Defendant No.2 directed to supply amendment copy of written statement to this court and other side.
- 4) No order as to costs.

Date: 19.03.2019  
Saoner

J. S. Kokate  
CJJD, Saoner.

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**CERTIFICATE**

**“I affirm that the contents of this P. D. F. File of order is word to word as per original order.”**

**Name of Stenographer : N. B. Payade**

**Endorsement**

Case argued on	:	19.03.2019
Order dictated on	:	19.03.2019
Transcription ready on	:	19.03.2019
Order Checked and signed on	:	19.03.2019

DISTRICT COURT  
NAGPUR