

ORDER BELOW EXH.27 IN RCS NO. 114 / 2015

(Passed on 07th day of October, 2015)

1) Plaintiffs filed this application for amendment of plaint (Exh.1) and temporary injunction application (Exh.5). Due to production of Sanad issued by Land Survey Department, Plaintiffs want to add Defendant No. 3 in both suit and application (Exh.5). They also want to add pleading in relation to that Sanad by adding of para No. 3A in the Plaint (Exh.1) and temporary injunction application (Exh.5). Perused say (Exh.28) filed by the Defendants. They denied contents of application in toto. Plaintiffs have filed this application to delay the hearing of suit. Amendment is not bonafide and it was within the knowledge of Plaintiffs. Proposed amendment will change the nature of suit and so they prayed to reject the application with costs. Heard arguments advanced by learned Advocates of both the sides at length.

2) On perusal of record, it appears that provisions of addition of party is not mentioned in this application by the Plaintiffs. But that can not be the ground to deny relief to the parties. It is equally settled that proof of amendment sought need not be entered by the Court at this stage. Looking at contents of proposed amendment seeking addition of party and addition of contents about Sanad by including para 3A, appears just and necessary for determination of real dispute between the parties. It will not change the nature of the suit. Suit is at initial stage and so it is better of proceed on merits instead of technicality. At the same time, it can not be forgotten that due to this proposed amendment, Defendants will also have to undertake further study of the matter which cause inconvenience to them. Hence Defendants need to be given costs to cure inconvenience caused to them to some extent. Hence, I proceed to pass the following order.

ORDER

1. Application (Exh.27) is allowed as prayed subject to costs of Rs. Five hundred to be given to Defendants.

2. The Plaintiffs are directed to carry out amendment as prayed after compliance of above order.

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3. The Plaintiffs are also directed to supply amended copy on record and to the parties.

Saoner.

Date : 07.10.2015

SD/-

G. G. Soni

Civil Judge Junior Division, Saoner.

District Nagpur.

“I affirm that the contents of this P.D.F. File order are same word for word as per original order.”

Name of Steno : Smt. V. S. Boharapi
Court Name : G. G. Soni, CJJD & JMFC, Saoner.
Date : 07.10.2015
order signed by
presiding officer on : 07.10.2015
order uploaded on : 07.10.2015