

R.C.S. 44/2013
Maroti -vs-Omeshwar

ORDER BELOW EXH. 81

The present application filed by the plaintiff to amend the plaint. It is the contention of the plaintiff that on 30-11-2016 the defendant planted sweet lemon trees over the suit way. Therefore, the plaintiff want to amend his plaint accordingly. It is the contention of the plaintiff that the present amendment will not change the nature of the suit. It is necessary to amend the plaint for the just decision of the suit.

2] The defendant denied the contention of the plaintiff and submit that by way of proposed amendment the plaintiff wants to bring on record new facts and hence it is not permissible. The proposed amendment will seriously prejudice to the defendants. The suit is posted for evidence. The plaintiff cannot amend his plaint. Therefore, the present application need to be rejected.

3] Heard counsel for the plaintiff at length. Though the ample opportunities have been given but defendant failed to argue. On perusal of proposed amendment it appears that the fact mentioned by the plaintiff happened on 30-11-2016. The plaintiff wants to bring the facts which was happened later on. The present amendment will not change the nature of the suit but it will save the multiplicity of the proceeding. So far as delay is concern imposing of cost will served the purpose. Thus, I pass the following order:-

ORDER

1. The application is allowed subject to the cost of Rs. 200/-.
2. The proposed amendment shall be carried out till next date.
3. Cost in cause.

Narkhed
Dt. 28/09/2017

(N. S. Puri)
Civil Judge Junior Division,
Narkhed

CERTIFICATE

I affirm that the contents of this P. D.F file Order is same word to word as per original Order.

Name of the Stenographer	:	M.R. Raut
Court name	:	C.J.J.D. Court, Narkhed
Date	:	28-09-2017
Order signed by the presiding officer on	:	28-09-2017
Order uploaded on	:	29-09-2017