

MHNG160004282019



ORDER BELOW EXH-9

This is the application filed by the plaintiff under Order VI Rule 17 of C.P.C. for grant of permission to amend his plaint.

2. It is the contention of the plaintiff that he has filed this suit for declaration, cancellation of sale-deed and for permanent injunction. In his plaint in para No.3, 4, 5, 7 and 8 and in prayer clause A, B, C inadvertently he wrongly mentioned that he is owner of 0.10 decimal of land of Survey No.789/1 of mouza Dahegaon. Actually the plaintiff is owner of 507.50 sq.ft. out of 0.10 decimal of land of Survey No.789/1 i.e. 1 H 55 R land which he purchased by registered sale-deed from defendant No.1 to 4. Therefore, he intends to correct the area of the suit field in the respective paras wherein it is wrongly mentioned.

3. Defendants filed their say and opposed the application contending that plaintiff was having knowledge of it since the filing of the suit. Hence, they sought for rejection of the application.

4. Perused the record. The suit is for declaration, cancellation of sale-deed of dt.15.05.2012 and for perpetual injunction. Defendants No.2 and 5 though appeared have not filed their written statement. The matter is for appearance of other defendants. As per Order VI Rule 17 of C.P.C. Court may at any stage of the proceedings allow either party to alter or amend his pleading in such manner and on such terms as may be just, and in all amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. In the present case, trial is yet to be commenced. The proposed amendment appears to be necessary for the proper identification of the suit property. It would be

helpful for due decision of this suit. Therefore, in my view, there is no hurdle to grant this application. Hence, I proceed to pass following order :-

ORDER

1. This application is allowed.
2. Plaintiff to carry out the proposed amendment in his plaint within 14 days.
3. Defendants are hereby permitted to carry out consequential amendment in their written statement, if they wish to do so.
4. Costs in cause.

Date : 15-11-2019

(Shri. S.P. Wankhade)
Civil Judge Jr. Division, Mouda.