

ORDER BELOW EXH. 107 IN R.C.S. No. 24/2013.

Heard both the sides. Perused the application, say and record of the case. Plaintiffs have filed this application for amendment to their pleadings, vide Order 6 Rule 17 of Civil Procedure Code, 1908.

2. It is the case of plaintiffs that, in plaint genealogy of Ramaji Thakre is given. Ramaji Thakre is having three sons viz. Natthu, Manikrao and Keshavrao. But, inadvertently due to typographical mistake instead of Manikrao, Madhukar has been typed. Therefore, said mistake needs to be corrected.

3. Defendants resisted the request of plaintiffs on the ground that, if proposed amendment granted, it will take away valuable right accrued to them. The reasons mention in application are false. Accordingly, defendants have prayed for dismissal of application with exemplary costs.

4. After giving thoughtful considerations to the overall circumstances on record it transpires that, admittedly, Ramaji Thakre is having three sons viz. Natthu, Manikrao and Keshavrao. Defendants also in their written statement at Exh. 15, in para 15, conceded this fact. Moreover, by mentioning the name of Manikrao as Madhukar no any benefit or advantage has been got to plaintiffs. Moreover, admittedly, sons of Ramaji Thakre are not party to the suit. Thereby, by granting the amendment application neither the nature of the suit is going to be changed nor any prejudice would

caused to defendants. Thereby, from available material on record, it is quite lucid that, only due to typographical mistake inadvertently in the family tree instead of Manikrao, Madhukar has been typed. Therefore, application deserves to be allowed.

5. Before parting, I would like to make it clear that, defendants have filed their written statement on 26/04/2013 at Exh. 15. In para 15, of said written statement, they have specifically stated that, Ramaji Thakre is having three sons viz. Natthu, Manikrao and Keshavrao. He is not having any son named Madhukar. Thereby, at that time only plaintiffs ought to have did needful. But after near about three years from the date of filing of written statement application herein has been filed. Therefore, cost is required to be imposed on plaintiffs. In the result, I pass following order.

ORDER

- 1) The application is allowed subject to cost of Rs. 400/-.
- 2) On payment of cost, plaintiffs to carry out amendment as prayed in the application herein, on or before next date and shall submit the amended copy.

Kalmeshwar.
Date : 10/06/2016

Sd/-
(P. D. SAWANT)
Civil Judge Jr. Div., Kalmeshwar.