

Amol Shirsat Vs. Manik Jadhav and others....

Order below Exh.21

1. Plaintiff has filed application under Order -6 Rule-17 of Code of Civil Procedure, 1908. Perused the application and say filed therewith vide Exh.22. Heard both the sides. From perusal of record it appears that the suit is instituted for Specific performance of contract and perpetual injunction. By way of this application plaintiff wants to change the date of Agreement-to-sale of dtd. 13/07/2000 which is wrongly typed as 26/06/2013 in the pleadings. Defendant No.1 to 5 have opposed the application on the ground that only with the view to protract the matter plaintiff has moved this application. Further if the application is allowed nature of the suit will be changed. If present application is allowed it will create bar to the issue of limitation. Hence they have prayed to reject the application.

2. It is to be noted that, record reveals that, the proposed amendment is technical one. So if this application allowed it would not caused any injustice to either party nor it will change nature of suit. Hence, I pass the following order,

- Order -

- 1) Application is allowed subject to costs of Rs.200/- (Rs. Two Hundred only)
- 2) Plaintiff shall carry-out the proposed amendment till next date.

Dated : 17/07/2014

sd/-
Civil Judge, J.D., Dindori.