

Khandu Sonu Jadhav.  
Vs.  
Manohar Maruti Surase and others.

**Order below Exh.17 in R.C.S.No.345/2012**

1] Perused the application and say at Exh.21. Also perused the record and proceeding.

2] This is an application under Order 6, Rule 17 of Code of Civil Procedure by plaintiff for amendment of plaint. As per plaintiff, in plaint para No.2 at line No.8 it is to be mentioned as “वराहाचे कान” in spite of “वराहाची शेपूट”. So also in line No.9 it is to be mentioned as “कान अखंड ठेवून” in spite of “कान कापून”. As per plaintiff in plaint para No.4 “Sonubai Maruti Jadhav” is to be mentioned in spite of “Sonu Maruti Jadhav”. Plaintiff further contented that the above mistakes are technical and typographical one and they are required to be corrected. On all those grounds plaintiff prayed for leave to amend the pleadings as above.

3] By filing say vide Exh.21, defendants contended that, the application is not tenable and it may be rejected accordingly.

4] In the aforesaid facts and circumstances, following points arise for my determination. I have recorded my findings to them together with reasons as under :-

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1]	Whether proposed amendment is necessary for just decision of the suit ?	<u>...In the affirmative.</u>
2]	Whether proposed amendment will change nature of suit ?	<u>...In the negative.</u>
3]	What order ?	<u>...Application is allowed as per final order.</u>

### REASONS

#### As to point Nos.1 to 3 :-

5] In the present suit, it is to be noted that as per plaintiff proposed amendment is necessary as it typographical mistake and technical one. According to the plaintiff by the proposed amendment nature of suit will not be changed at all. Defendants have objected for the application.

6] Perused the record and proceeding and also perused the present application. By the proposed amendment nature of the suit will not be changed at all and it will be not harmful to the other side. The proposed amendment is necessary for just decision of the suit. Hence, to decide the real point in controversy once for all, and for the fair disposal of the suit on merit, it would be just and proper to allow the present application for amendment. Resultantly, by answering all points accordingly, following order is passed :-

**ORDER**

1] Application below Exh.17 for amendment is allowed subject to the payment of costs of Rs.300/- (Rs. Three hundred only) by the plaintiff to the defendants on or before next date.

2] Plaintiff is permitted to carry out the amendment as prayed in application Exh.17.

3] Plaintiff to comply the order and to file the copy of amended plaint on or before next date.

(Pronounced in open Court)

15<sup>th</sup> January, 2015.  
Dindori.

(G.R.Taur)  
Civil Judge, J.D., Dindori.