

R.C.S.No.01/2013.

Kalavati Vs. Shantabai

Order below Exh.36.

- 1) Plaintiff moved an Application under Order 6 Rule 17 of the Code of Civil Procedure (in short C.P.C.) for amendment. Defendant opposed the Application by filing Say below same Exhibit.
- 2) Heard both sides.
- 3) According to Plaintiff, due to typographical mistake, the area and the four boundaries has been mentioned incorrect. It is necessary to correct the same for just decision of the matter. The said amendment shall not change the nature of the suit. Hence, prayed for amending the same.
- 4) Defendant strongly opposed the Application on the grounds that the said amendment shall change the nature of the suit. The plaintiff has claimed right to draw water from the Well from the specific Gat number and that now, the plaintiff shall not change his version. Hence, prayed for rejecting the Application.
- 5) Perused the Application and Say. I have gone through the pleadings of the parties.
- 6) Even without going into the merits of the case, a correction in the form of typographical mistake is always permissible. In the present suit, plaintiff is seeking correction into the gat number and the four boundaries. Both these correction relates to Order 7

Rule 3 of Code of Civil Procedure which is about description of the property sufficient to identify it. In view of this, proposed amendment necessary. Though, Learned Advocate for defedant submitted that, the proposed amendment shall change the nature of the suit, but has not shown anything contrary to the 7/12 extract of the suit property, so relied upon and as shown area 3.82 R.

7) Suit is filed on 01-01-2013. The said amendment application is filed on 06-02-2018. Considering the said delay, plaintiff deserves to pay costs. Hence, this order :

-: O R D E R :-

- 1) Application (Exh.36) is allowed with costs.
- 2) Plaintiff shall pay cost of Rs.200/- to the Defendant.
- 3) After compliance, plaintiff shall carry out amendment within 14 days.
- 4) Plaintiff shall file a copy of amended Plaint and shall supply the copy to the Defendant.

**Date :26/11/2018.
(Dist-Nashik)**

**(Smt. P.R. Dandekar)
Civil Judge, Jr.Dn., Nandgaon,**