

Order below Exh.54 in R.C.S.No.80/2012

1. This is an application vide Order 6 Rule 17 for amendment in plaint. Perused application, say of the defendant Nos.2 to 4 at Exh.56. Heard, both sides at length.

2. The suit is filed in the year 2011 as a Special Civil Suit No.86/2011. On transfer it was renumbered as R.C.S.No.80//2012. The issues were accordingly framed in the year 2015 and evidence of plaintiff was recorded. As such, matter is part heard and hearing is already commenced.

3. Vide present application plaintiff sought to correct the mentioning of gat number as gat No.181/4 instead of gat No.184/1 in the line number 18 of para No.1. According to plaintiff said mistake is a typographical error. The amendment is thus of formal nature.

4. Defendants opposed application on the ground of delay and commencement of hearing. It is also contended that to delay the hearing such application is filed.

5. No doubt, hearing is commenced and delay is caused. However, the nature of amendment suggests that same is the minor correction to the extent of typographical error. The 712 extract Exh.49 reflects correct gat number. Thus, the amendment is a bonafide one and would not change anything in the pleadings. When the application is filed, the plaintiff did not seek adjournment for hearing. In fact on same day the plaintiff has led further evidence. Even thereafter, the plaintiff No.2 have been *cross-examined* by the defendants. Thus, objection as to intentional delay is not found proper.

6. In these circumstances, the amendment is being formal

have to be allowed. No prejudice will be caused to the defendants.
Hence, following order :

ORDER

1. Application is allowed as prayed for .
2. Plaintiff to carry out amendment forthwith.

Date : 01-09-2017

(S.N.Shinde)
Judicial Magistrate, F.C. Yeola