

**ORDER BELOW APPLICATION (Exh. 40) IN SPECIAL CIVIL
SUIT NO. 14 OF 2025**

- 1) This is an application filed by the plaintiff for amendment in the plaint.
- 2) It is submitted by the plaintiff that, new defendants Nos.8 to 10 needs to be added in the main suit. Further he submitted that, other amendments as sought in the application are also necessary to be amended. So, he prayed to allow the application.
- 3) Defendants Nos. 1 to 7 filed Say and resisted the application on the ground that, application is after thought. Defendants Nos.1 to 9 lastly prayed for passing suitable order.
- 4) As per provisions of Order 6 Rule 17 of the Code of Civil Procedure, Court can permit parties to carry out necessary amendment in the plaint or written statement respectively. While granting such permission, Court is required to see whether the proposed amendment is necessary or not. Considering the nature of suit, and even though it is possible that the plaintiff was aware of every situation and transaction before filing of the present suit, in my opinion, the proposed amendment is necessary for the purpose of determining real questions in controversy between the parties. Moreover no prejudice is going to cause to

defendants because they have full opportunity to set their defence. Hence, following order is passed.

ORDER

- (1) Application is allowed vide provisions of Order 6 Rule 17 of the Code of Civil Procedure.
- (2) The plaintiff is permitted to carry out necessary amendment as sought within prescribed period and file amended plaint on record forthwith.

Date :- 15/03/2025.

Sd/-
(Yashshree Marulkar)
Civil Judge Sr. Division,
Igatpuri.