

Land Reference Misc. Application No. 33 OF 2025

Chhababai Tukaram Bhavnath deceased through Lrs.

Vs.

State of Maharashtra and ors.,

ORDER BELOW APPLICATION (Exh.12)

1) This is an application filed by applicants under Order VI Rule 17 for amendment in the plaint of the Code of Civil Procedure (in short 'CPC').

2) It is prayed by applicants that, respondent no. 3.3 Sunny Laxman @ Bhausahab Bhavnath is minor. But due to the information given by relatives that Sunny Laxman @ Bhausahab Bhavnath is of 18 years, he was shown as major in the title clause. The summons was issued to him, the report shows the respondent Sunny Laxman @ Bhausahab Bhavnath is minor i.e. 16 years old. Therefore, it is prayed that correction in the title clause is necessary. Hence, they prayed to allow the application.

3) The learned advocate for the respondent have filed say overleaf the application and stating that appropriate order may be passed. Heard, the learned Advocate for applicants and respondents.

4) As per provisions of Order VI 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 application, and even though it is possible that applicants was aware of every situation. Considering

the nature of the application and the proposed amendment is inadvertent mistake. So, in my opinion, the proposed amendment is necessary. Moreover no prejudice is going to cause to respondent. Hence, following order is passed -

ORDER

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

Date :- 29.11.2025

(Yashshree Marulkar)
Civil Judge Sr. Division,
Igatpuri.