

ORDER PASSED BELOW EXH.14 IN R.C.S. NO. 675/2016.

Babu Kavade.

Vs.

Vishnu Kavade & Anr.

1. The plaintiff has filed this application under Order VI, Rule 17 of the Code of Civil Procedure, 1908 for amendment of the plaint. According to the plaintiff, due to typographical mistake, the name of defendant No. 2 is mentioned as Vasant Dadarao Mitkari in lieu of Vasant Dattatrya Mitkari. The plaintiff has further contended that the proposed amendment is bona fide & however, it will not change the nature of the suit. With this, the plaintiff has prayed that he be permitted to carry out the necessary amendment.
2. Defendant No. 1 Vishnu was called upon to file his say to this application. But, he failed to file the say & therefore, this application proceeded without his say.
3. I have heard Ld. Advocate Mr. S. B. Tavare for the plaintiff at considerable length & have gone through record of the suit. Ld. Advocate Mr. P.M. Tele for defendant No. 1 was absent though called out repeatedly. It is pertinent to note that due to the proposed amendment, the nature of the suit will not be changed. The proposed amendment is necessary to determine real question in controversy between parties to the suit. Resultantly, I have no hindrance to hold that this application deserves to be allowed. Holding so, I proceed to pass the following order.

ORDER

1. Application Exh.14 is allowed.
2. The plaintiff shall carry out the necessary amendment, more particularly described in the application Exh. 14 itself till next date & he shall supply copies of the amended plaint, as early as possible.
3. No order as to costs.
4. Parties to the suit shall take note of this order.

Kallam.
Date-18/12/2017.

sd/-
(S.S.Ubale),
2nd Jt. Civil Judge, Jr.Dn., Kallam.