

ORDER BELOW EXH.33

1. The present application filed by the plaintiff seeking permission to carryout the amendment as per order below Exh. 31 and condoning the delay caused to comply the Order of this Court.
2. Perused application and say. Heard both sides.
3. Learned advocate for plaintiff submitted that the roznama dated 07-10-2024 did not contain specific particulars as to Order of the court below Exh. 31. Besides, the said Order of the Presiding Officer is in handwriting therefore plaintiff could not get idea about the Order below Exh. 31. He further submitted that due to mentioning of incorrect stage in the matter, plaintiff failed to complied the said Order within the stipulated time. Hence prayed to allow the application.
4. Learned advocate for defendant submitted that Order below Exh. 31 specifically directs that plaintiff need to carry out the amendment within 14 days. However, since last 21 months plaintiff has not taken any steps which shows disinterest of the plaintiff to proceed with the present suit. Hence prayed to reject the application.
5. Perused the record. Record shows that the application of plaintiff to carryout amendment was allowed on 07-10-2024 as per Order below Exh. 31. In that Order, specific time limit of 14 days given for the compliance of said Order. So far as the first contention of the plaintiff regarding absence of details of Order in the first Roznama dated 7-10-2024 is concerned, record shows that there are two roznamas

affixed to the file for the date 07-10-2024. In the first roznama, no details regarding Order (Exh. 31) are mentioned. However, the subsequent roznamas dated 07-10-2024 specifically reflected Order of this Court dated 07-10-2024. Furthermore, on verification of roznama dated 7-10-2024 on e-court services app (09-06-2026, 5.50 p.m.) reflects the same.

6. So far as the second contention of the plaintiff regarding scheduling of the matter on the wrong stage is concerned, record shows that after the order below Exh. 31 matter is posted for “Steps” for subsequently 7 dates. Thereafter, since 3-10-2025 matter is posted for dismissal.

7. So far as the third contention of the plaintiff regarding absence of knowledge due to handwritten Order is concerned, the said reason is not plausible.

8. Order 6 Rule 18 of C.P.C. provides that ***if a party to as obtain and Order for leave to amend does not amend accordingly within the time limited for that purpose by the Order, or if no time is there by limited then within 14 days for date of Order, he shall not be permitted to amend after the expiration such limited time as a aforsaid or of such 14 days, as the case may be, unless the time is extended by the Court.***

9. In the present case, amendment was already permitted by this court. The delay caused for non-compliance is of approximate 20 months. Considering the valuable rights of the parties in the immovable

property, refusing the amendment at this stage would defeat the purpose of the earlier Order. Hence delay deserves to be condoned. Hence, I pass the following order:

ORDER

1. Application is allowed subject to cost of Rs. 1000/- be paid to defendant till next date.
2. Plaintiff to carry out amendment and comply the Order below Exh. 31 dated 07-10-2024 on next date without fail.

Date : 09.06.2026
Place: Kallam.

Sd/-
(Amruta D. Jadhav)
3rd Jt. Civil Judge, Junior Division,
Kallam.