

CNR No. MHPA16000188-2021
RCS No. 13/2021
Savita Wade vs. Dyanoba Wade

ORDER BELOW EXH. 26

1. This is an application filed by plaintiffs for amendment of pleadings under Order 6 Rule 17 of Civil Procedure Code, 1908.

2. It is stated in this application that plaintiffs filed this present suit for declaration and permanent injunction against defendants. That due to typographical mistake in the claim and prayer clause in place of word " South" word "West" is typed by them. Hence, vide this application plaintiff wants to correct this typographical mistake and amend the plaint accordingly. In order to identify the suit property present amendment is necessary as in the sketch map in the south side road is shown. The amendment stated in the application is necessary and does not change the nature of the suit. Hence, plaintiff prayed to allow this application.

3. The advocate for defendant filed his say at the back leaf of application. He stated that, application is time bared. Proposed amendment change the nature of the suit, it will cause prejudice to the defendant. Hence, he prayed to reject the application.

4. Heard Ld. Advocate for the plaintiff and Ld. Advocate for the defendant. Advocate for plaintiff prayed to allow the application in the interest of justice and Advocate for defendant argued that there is

negligence on part of plaintiff. The conduct of the plaintiff should be taken into consideration. The nature of suit is changed with the proposed amendment in the suit. Hence, he prayed to reject the application.

5. Perused the application and say. Perused the record and roznama. Record shows that, case is now at the stage of hearing on final argument. On perusal of the application it can be seen that, plaintiffs only want to correct typographical mistake in respect of direction of boundaries of suit property. As defendants will get opportunity for doing consequential amendment, it will not cause any prejudice to them. Hence, I hold proposed amendment does not change the nature of the suit. Hence, to decide the suit on merits and to avoid the multiplicity of proceedings, the proposed amendment in the plaint is necessary. Hence, I pass the following order:-

ORDER

1. Application is allowed.
2. Plaintiff is permitted to amend the plaint, as prayed.
3. Plaintiff shall carry out the necessary amendment within two weeks from the date of this order and shall submit a copy of the amended plaint.

Date: 19/11/2025
Place: Pathri.

(N. J. Pachade)

Civil Judge Junior
Division, Pathri.

