

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION,**BHOR DIST. PUNE****Reg. Civil Suit No. 106-2009**

Reshma Shete and Others Plaintiff

V/S.

Sonba Navghane and Others Defendants

ORDER BELOW EXH.78

The plaintiffs has filed this application for condonation of delay in carrying out the amendment under section 108 of Civil Procedure Code.

2) The plaintiffs submitted that, the amendment application under O.VI R.17 at exh.74 is allowed by the court on 06/12/2018, but the plaintiffs were unaware about the fact, and they could not carried out the appropriate amendment. Therefore, they could not carried out amendment within stipulated period. Hence, they prayed to condone the delay and permit the plaintiffs to carry out necessary amendment.

3) The plaintiffs has filed written notes of arguments at exh.81. The plaintiff has submitted that, in anticipation of the order, they have caused delay in carrying out the amendment. An opportunity to file say is given to the defendants on the present application. The defendant no. 3 and 4 filed their say at exh.80 on the application. The defendants has relied on decision of *Selva Vinatgar Temple v Kanur Municipality; AIR 1995 MAD 170-171*; and submitted that the instant application is not maintainable in the eyes of law and vehemently prayed to reject the same.

4) I have gone through the record. The suit is filed for Partition, declaration and Injunction. Considering the reason mentioned in an application, the delay is condoned, subject to cost of Rs. 400/- (Rs. Four Hundred Only) payable to defendant no. 3 and 4. Plaintiff is directed to proceed with the suit as per the law.

Date : 19.08.2019

Awate P.P.

Bhor.

Jt.Civil Judge(J.D.),Bhor, Dist. Pune.

“I affirm that the contents of this P.D.F. File order are same word for word as per original order.”

Name of the Stenographer : Shri. D.N.Sonar

Name of the Court : Shri. P. P. Awate,
(J.M.F.C., Bhore, Dist. Pune.)

Date : 19-08-2019

Order signed by Presiding Officer on : 19-08-2019

Order uploaded on : 19-08-2019