

ORDER PASSED BELOW EXH.34

The plaintiff has filed this application for amendment in the plaint as per O.VI, R.17 of the Code of Civil Procedure.

2) Read an application. An opportunity has given to file say of the defendants. Perused the records.

3) By way of this application, the plaintiffs have submitted that there is need of amendment is to be carried out in the plaint. The amendment sought in plaint is very crucial in the interest of the justice of the both parties as he has to amend the suit.

4) The advocate for plaintiff has appeared. The matter called repeatedly. The Plaintiff has submitted that the amendment sought is technical. The say of the defendant has called. The say of the defendant is on records and he has strongly objected to application and submitted that the trial has commenced and there is no due diligence. The Defendant has prayed to reject the application of the plaintiff.

5) I have gone through the record. Admittedly, the trial has commenced. The amendment sought to be incorporated by

way of this application is crucial in nature. The plaintiffs have claimed to amend the pleading without changing its nature. On perusal of the facts it appears that this amendment application is deserves to be allowed for avoiding multiplicity of the proceeding and in the interest of the justice. An opportunity is available to the defendant to determine the suit on merit. Therefore following order is passed in the interest of justice.

ORDER

- 1) The application (Exh.34) is allowed subject to cost of Rs.600/-(Six Hundred Rupees Only) payable to the contesting defendant till next date.
- 2) The plaintiffs shall carry out necessary amendment in the plaint forthwith, and shall submit amendment copy of the plaint and copy of the decree **within fourteen days** from the date of order.
- 3) The amendment sought be carried out **forthwith**

Date :09.10.2019

Awate P.P.

Bhor.

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