

ORDER BELOW EXH.101 IN RCS NO. 79/2006

The plaintiff moved this application and prayed to allow her to carry out amendment. According to her, application under Order-I Rule 10 of the CPC was filed which was allowed. She could not carry out necessary amendment. Inadvertently the amendment is necessary. If it is not carried out, there would be heavy and irreparable loss to her. She lastly prayed to allow the application.

Defendants strongly opposed the application by filing say overleaf. They contended that, the application is not tenable as the plaintiff did not carry out necessary amendment as per order of the Court. Application is not maintainable. The plaintiff is prolonging the matter. Defendants are old aged persons. They are coming from Bombay. They lastly prayed to reject the application.

Heard both sides. Perused the record. The plaintiff filed application at Exh. 81 under Order-VI Rule 17 of the CPC. Said application was allowed on 28/11/2017. Plaintiff was directed to carry out proposed amendment and supply copies of amended plaint on or before next date. The matter was fixed on 18/12/2017, 17/01/2018, 07/02/2018 and 17/03/2018. The plaintiff did not carry out the amendment as per order of the court. The matter is very old one. The reason given in the application is not justifiable. The plaintiff is not diligent in prosecuting the matter. The application is not tenable. The plaintiff appears to have been prolonging the matter on different grounds. Defendants are senior citizens. They are residing at Bombay. Issues have been framed long

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back. The application is not maintainable, hence, application deserves to be rejected. Hence, the following order.

Order

The application is rejected.

Place:Saswad

Date :17/04/2018

(Vaibhav K. Jadhav)

Civil Judge Junior Division, Saswad.

CERTIFICATE

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

Name of Steno - G. S. Chougule
Court Name - V.K. Jadhav, CJJD, Saswad.
Date - 17/04/2018
Order signed by
P.O. on : 17/04/2018
Order uploaded
on : 15/06/2018