

MHPU180021082020



R.C.S. No.186/2020

Laxman & Ors.

Vs.

Sampat & Ors.

ORDER BELOW EXH.22.

(Passed On 22/09/2025)

By way of this application, the plaintiff prays that this Court be pleased to permit them to carry out the amendment as previously allowed by order dated 23/03/2023, passed below Exhibit 19. The plaintiff further submits that they are willing to pay the costs imposed by the Court in its order passed below Exhibit 21. Accordingly, the plaintiff requests that they be permitted to deposit said costs in compliance with the order.

2. On the other hand, the defendants have strongly opposed the present application, submitting that the amendment sought was already allowed by the Court below Exhibit 19 in the year 2023. It is submitted that pursuant to the said order, the plaintiff was directed to pay costs of Rs.1,000/- which were imposed by the order passed below Exhibit 21. Despite this, the plaintiff has failed to comply with the said direction. Subsequently, the plaintiff filed the present application at the stage when the matter was posted for directions regarding the DID order. The Defendants have, therefore, prayed for rejection of the present application, or in the alternative, that further costs be imposed.

3. Heard both parties and perused the application, say and record. It is an admitted fact that the suit is presently posted for DID orders. The application for amendment was previously allowed by this Court by order dated 23/03/2023, passed below Exhibit 19. Despite such permission, the plaintiff failed to comply

with the order and pay the costs for a prolonged period of over one year. Thereafter, the matter was posted for DID orders, and the plaintiff has now filed the present application seeking permission to pay the costs and comply with the previous order.

4. The conduct of the plaintiff demonstrates a lackadaisical and casual approach, as applications are being filed only after considerable delay and only when the matter is posted for DID orders. Nevertheless, considering the principle of law that every party should be afforded an opportunity to contest the suit on merits, and in the interest of resolving the real controversy between the parties, the Court is inclined to grant a final opportunity to the plaintiff, albeit subject to imposition of further costs. In view of the above, and in order to meet the ends of justice, the following order is passed.

ORDER

- 1) The application below Exhibit 22 is allowed, subject to the payment of costs of Rs.1,000/- by the plaintiff to the defendants on or before the next date of hearing.
- 2) This costs is in addition to the cost of Rs.1,000/- already imposed by the order passed below Exhibit 21.
- 3) Upon payment of the total costs as aforesaid, permission is granted to the plaintiff to carry out the amendment as allowed by order below Exhibit 19.
- 4) Parties to take necessary steps in compliance herewith.

Daund.
Dt. 22/09/2025.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

I affirm that the contents of this P.D.F file, Order are same, word to word, as per the original order.

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (A. S. Shaikh) 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 22/09/2025.
Order / Judgment singed by	:- 22/09/2025.
the Presiding Officer on	
Order/ Judgment uploaded on:-	23/09/2025.