


MHPU250018352023 	PWDVA Appln./40/2023 Snehal Vinod Gavhane Vs. Vinod Dadabhau Gavhane
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ORDER BELOW EXH 36 IN PWDVA 40/2023

The present application has been filed by the respondent no. 1 for amendment of his say filed at Exh. 13. The applicant has filed her say at Exh. 37.

2. Read the application and say. Heard Ld. Advocate for both parties.

3. Ld. Advocate for the respondent no. 1 urged that say filed by the previous advocate of the respondent no. 1 was not as per the instruction of the respondent no. 1. Hence, prayed that, respondent be allowed to file amended say on record and prayed that the application be allowed.

As against this, the Ld. Advocate for the applicant argued that, the present application has been filed with the intention for prolonging the matter. The application being false is liable to be rejected. Hence, prayed that, the application be dismissed with costs.

4. Perused the record and considered the submissions.

5. It appears that, the respondent no. 1 filed say at Exh. 13 on 23/11/2023. Thereafter, the present application came to be moved for amendment of the say. It cannot be believed that a Ld. Advocate would file the say on behalf of the client without his instruction or knowledge. It is pertinent to note that the respondent no. 1 has himself put his signature on the say acknowledging its contents. Therefore, the argument that, the say was filed without the instruction of the said respondent appears to be devoid of merits.

6. However, it can be seen that, the say at Exh. 13 was more of an attempt to reconcile or resolve the dispute with the applicant. But, since the dispute did not resolve, the respondent no. 1 wants to put forth his case. The burden of proving his contention is on the respondent no. 1. Therefore, there is no impediment in allowing the present application. Moreover, the proposed amendment in no way shall change the nature of the case or cause any prejudice to the interest of the applicant. Besides, it will assist the Court to pass an effective decree. Thus, it will be proper to allow the respondent no. 1 to carry out the proposed amendment to efficiently put forward their case. However, the respondent no. 1 is liable to pay cost to the applicant for moving the application after a period of two years. Hence, the following order:-

ORDER

1. Application (**Exh. 36**) is allowed subject to costs Rs. 2,000/- (Rupees. Two Thousand only) to be paid to the applicant, within two weeks from the date of this order, failing which, the order shall be vacated.
2. Upon the payment of costs, the amended say of the respondent no. 1 be taken on record.

sd/-

Place : Junnar
Date : 28/01/2026

(S.S. Jain)
4th Jt. Civil Judge Junior Division,
Junnar