

ORDER BELOW EXH.154 IN S.C.S. NO.411/2018

M/s. Shivshankar Builders & Developers

Vs.

Eknath Sadashiv Kandpile & Ors.

1. This application is filed by plaintiff for carrying out correction in the numbering in the schedule in Exh.126. Plaintiff contended that they have filed application Exh. 126 for amendment under provisions of Order 6 Rule 17 of Code of Civil Procedure for bring the facts on the record of subsequent events. In the said application he has annexed the schedule in which he has given incorrect numbering. Hence, prayed that the application be allowed and he be permitted to correct the numbering in schedule annexed to Exh.126.

2. Defendant No. 1/1 to 1/3 & 6 resisted the said application and filed their reply at **Exh.159**. They contended that the application is not maintainable. Provisions of Order 6 Rule 17 of Code of Civil Procedure is not applicable. Hence, prayed the application be rejected.

3. Defendant No. 5 adopted the reply filed by defendant No. 1/1 to 1/3 at Exh. 159 by filing pursis **Exh.161**.

4. Heard both the Ld. Advocates. Perused the record.

5. Application Exh. 126 is for carrying out amendment in the plaint. Alongwith the said application Exh.126 plaintiffs have filed schedule of the proposed amendment. On going through the schedule filed on record it appears that there is some wrong numbering and vide

this application plaintiff intends to correct the said numbering. Admittedly, provisions under Order 6 Rule 17 of Code of Civil Procedure for amendment are not applicable to the application but the applicable to pleadings only. Moreover procedure is handmade of justice. Thus, the correction sought is minor one which will not prejudice any of the parties if it is allowed. Therefore, in the interest of justice plaintiff given permission to make correction as per mentioned in the application. Accordingly, I pass the following order.

:: ORDER ::

1..	Application is allowed.
2	Plaintiff is permitted to make the amendment in the schedule annexed to Exh.126.

Panvel.

Date : 10/02/2026.

(Nayomi P. Pawar)

Civil Judge, Senior Division Panvel.