
ORDER BELOW EXH.21 IN RCS NO.5/2016

The plaintiff has made present application to make amendment in the suit plaint as per Order XI Rule 17 of the Code of Civil Procedure.

2] It is contented by the plaintiff that, he has instituted present suit for partition. However, in the title page of the suit plaint and in para -1 of the suit plaint he has mentioned name of defendant no.1 as 'Rajaram Balu Vishe' and 'Babu Dharma Vishe' respectively. In fact, name of defendant no.1 is 'Rajaram Babu Vishe'. He has mentioned correct name of defendant no.1 in the family tree narrated in para -1 of the suit plaint. Therefore, for correction of the name of defendant no.1, he has sought for amendment

3] Defendant Nos. 1 to 9 have not resisted the application. But, defendant no.10 has contested the same by filing his say. He has averred that, the application made by the plaintiff is itself not clear regarding name of defendant no.1. On this ground, he has prayed for rejection of the application.

4] Heard learned counsel of both parties. Perused the suit plaint, it is seen that, the plaintiff has mentioned name of defendant no.1 as 'Rajaram Balu Vishe' in the title of the suit plaint whereas, he has mentioned name of defendant no.1 as 'Babu Dharma Vishe' in para -1 of the suit plaint. The family

tree narrated by the plaintiff in the suit plaint reflects name of defendant no.1 as 'Rajaram'. The amendment sought by the plaintiff is technical in nature. If, it will be allowed, it will not cause any harm to defendants neither it will change nature of the suit. Hence, the order.

ORDER

1. Application stands allowed.
2. The plaintiff to carry out necessary amendment within 14 days from this order.
3. No order as to costs.

Karjat

(S. V. Nikam)

Date :- 24/01/2017

Civil Judge J. D. Karjat.
