

**ORDER PASSED BELOW APPLICATION EXH. NO.57 IN****RCS NO.24/2020**

(Passed on 26/11/2020)

The plaintiff made this application with affidavit under **Order VI Rule XVII of Civil Procedure Code, 1908** for amendment of plaint. Defendants strongly opposed the application by filing say at Exh.49.

02. Ld. Adv. For plaintiff submitted that, due to typographical mistake in para no.05 of the plaint and temporary injunction application the word “Registered Trade Union” was written. Defendant no.01 is the group of person and not the trade union. Said mistake is required to be corrected. Hence, plaintiff prayed to delete the word “Registered Trade Union” and in that place prayed to permit insertion of word “Group of person”. If amendment application is allowed, it will not change the nature of suit. Hence, he prayed allow the application.

03. Ld. Adv. For defendants submitted that, it is not the typographical mistake. The application is not bonafide. Defendants have filed the say. Plaintiff by this amendment wants to withdraw the admission. If amendment application is allowed, it will change the nature of suit. Amendment is applicable in respect pleading and not with the interim injunction application. Hence, he prayed reject the application.

04. Heard, Ld. Adv. Mr. H. P. Gangal for the plaintiff and Ld. Adv. Mr. R. B. Sawant for the defendants. Perused the record.

05. Order 06 rule 17 of the code civil procedure provide for amendment of pleadings which runs as under:- The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

06. The suit is for the perpetual injunction and declaration. The suit is not yet ripe for hearing, hence the bar of the proviso to Order VI rule 17 of the Code of Civil Procedure, is not applicable. The proposed amendment seems to be necessary for the just and proper adjudication of the matter and it is justified. In my opinion the proposed amendment will not change the nature of the suit or cause prejudice to the defendants. Plaintiff shows that the defendant no.1 having affiliation to the lokshasan andolan. Documents on record shows that, defendant no.01 is not the registered trade union. Considering the pleadings I, do not find that, by changing the word "Registered trade union" with the word "Group of person" will change the nature of the suit. The objections taken by the defendants are not sufficient to refuse the proposed amendment. Interim injunction application is nothing but the part plaint. Hence, amendment of interim

injunction application is covered under Order VI, Rule 17 of the Code of Civil Procedure. If nature of proposed amendment is considered, it is manifest that it is regarding deletion some word in the pleading which was added due to typographical mistake and insertion of some word. Hence, the application needs to be allowed to decide dispute once for all. In the result following order will meet the ends of justice.

**ORDER**

- i) The application is allowed.
- ii) The plaintiff is permitted to carry out the proposed amendment within prescribed time limit.
- iii) The plaintiff is further directed to file the amended plaint and its copies thereof on or before next date in order to curtail delay.
- iv) Failure to comply any of the aforesaid direction shall render further orders.

Sd/-

Date: 26/11/2020

(C.U.Shipkule)

Place:-Roha

Jt. Civil Judge, Junior Division Roha.