

Order passed below Exhibit 90 in RCS No.114 of 2018

Barsubai Laxman Govari & others

Plaintiffs

v.

Ramesh D. Shaha & others

Defendants

1. The plaintiffs have filed this amendment application and submitted that the present suit is for cancellation of the relinquishment deed, for declaration, and for a perpetual injunction.
2. In the present suit, in prayer clause (e), the plaintiff has stated that a declaration be granted in his favor that the lease agreement dated 29.12.2008, registered at Uran under Document No. 3618/2008, be cancelled. However, in Clause (17) of the plaint, due to an inadvertent mistake, the court fee stamp on the amount of the lease consideration as required under prayer clause (e) has not been mentioned. Therefore, it is necessary and proper to make necessary amendment in Clause (17) with respect to the court fee. Therefore, the proposed amendment will not change the original nature of the suit.
3. The defendant no. 1 has objected stating that they have not paid the requisite court fee. The present application has been filed to delay the trial. Therefore, the application may be rejected.
4. The other defendants have not filed their say.

5. Considering the application and say, following points arise for my determination and I record my findings thereon.

Sr. No	Points for determination	Findings
1	Whether the proposed amendment needs to be allowed ?	Yes
2	What Order ?	Application is allowed

::Reasons::

Point No. 1 and 2 : Both the points, being inter-related, are being dealt together.

6. Heard the Ld. Advocate for the plaintiffs and defendant no. 1.
7. It has been contented that in prayer clause (e), the plaintiff has stated that a declaration be granted in his favor that the lease agreement dated 29.12.2008, registered at Uran under Document No. 3618/2008, be cancelled. However, in Clause (17) of the plaint, due to an inadvertent mistake, the court fee stamp on the amount of the lease consideration as required under prayer clause (e) has not been mentioned. Therefore, it is necessary and proper to make necessary amendment in Clause (17) with respect to the court fee. To adjudicate the case effectively, this amendment needs to be allowed.
8. Considering the above fact, clarification in the court fee in the suit is

necessary for the purpose of determining the real question in the controversy between the parties. If the amendment is not allowed it will lead to multiplicity of proceeding. If the amendment application is allowed no prejudice would be caused to any one.

9. Therefore, it is necessary to allow the application to enable the court to adjudicate upon and settle all the questions involved in the application. Hence, I answer **point no.1 in affirmative** and in **answer to point no.2**, accordingly, I proceed to pass the following order:

ORDER

1. Application at Exhibit 90 is allowed.
2. The plaintiff shall carry out the amendment as stated in Exhibit 90 within 14 days from the date of this order and then place amended application and it's copies on record.
3. No order as to costs.

Sd/-

Place : Uran
Date : 10.03.2026

(Ms. G.K.R. Tandon,
2nd Jt. Civil Judge, Junior Division
Uran