	Order below Exh. 102 in RCS 13/2021 CNR MHRT080000832021 **Vishnu Pandurang Gurav Vs. Ramesh Govind Gurav, etc.25**

01. This is an application made by plaintiff for amendment in the pliant vide Order VI, Rule 17. On this application say of defendant is called. The say is filed overleaf.

02. The suit is for partition of suit property and mandatory injunction as prayed. Plaintiff contents that there is typographical error in plaint. Instead of defendant no. 5 to 25, all defendants has been mentioned in para no.1 line no. 4 and 5. Further para no.2 line no. 2 needs to be amended that, defendant no. 5 to 25 are co-sharers. Content in line no.3 of para no.3 that प्रतीवादी क्र.१ च्या वाट्याला येणारी हिस्सापैकी needs to be replaced as प्रतीवादी क्र.१ च्या वडीलांना घर बांधण्यासाठी दिलेल्या जागेपेक्षा. Further amendment is sought in prayer clause also that following content be added in prayer clause 2. प्रतीवादी क्र.१ यांनी जे त्याला अंगाखाली दिलेल्या क्षेत्रापेक्षा अधिक बांधकाम केलेले आहे ते प्रतीवादीने स्वखर्चाने काढून देणेचा आदेशात्मक ताकीदीचा हुकुम प्रतीवादीस करण्यात यावा.

03. Recently due to accident plaintiff did not get opportunity to amend plaint. Hence, this application is raised belated. In support of this application affidavit is filed at Exh.103.

04. On this application defendant took an application that, cross examination of plaintiff is remaining. The said application may change the basic structure of suit. The application is raised so as to harass defendant. Hence, application be rejected.

07. In view of Order VI Rule 17 of CPC amendment can be done in plaint when it is necessary for final adjudication at suit. In the case in hand issues were recanted on 10/07/2023. Plaintiff has given an affidavit in examination in chief on 31/07/2023. Cross examination on plaintiff is not yet completed. Evidence of defendant is not yet started. The adjournment sought are of basically two types. Typographical mistake in plaint and second mistakes in facts. In the case in hand plaintiff is seeking permission to amend prayer clause. The application though belated, liberal approach has to be adopted while applying the provision of law.

08. Allowing the application may further lead to amend prayer of the suit. However, defendant would get opportunity to file say amended plaint if any. Certainly the application is raised belated. The proceeding would be dragged back due to such amendment. Hence, necessary cost has to be imposed on plaintiff. Amendment appears to be just for final adjudication of matter. Hence, I pass following order.

ORDER

1. Application is allowed subject to condition that necessary amendment be made within stipulated period that is on or before next date.
2. Plaintiff to pay cost of Rs. 750/- to defendant for delay caused.
3. Plaintiff to place on record amended copy of plaint and copy for defendant on or before next date.

SHRUTI HANUMANTRAO PATIL

Digitally signed by SHRUTI HANUMANTRAO PATIL
Date: 2024.06.26 18:06:40 +0530

Date- 26/06/2024

(Shruti H. Patil)
Jt. C.J.J.D. Deorukh.