

MHRT110000522019

R.C.S. No.08/2019

Mohammad V/s Ataulla & Ors.

ORDER BELOW EXH.48***(Passed on 07.10.2025)***

The present application is filed by the plaintiff seeking therein permission for amendment of the plaint.

02. According to him, due to/because of some subsequent changes i.e. orders passed by this court and directions given to the plaintiff, during pendency of the suit, some contents related/as regards the same are necessary to be mentioned in the plaint. Court-fees as per the instructions of this Hon'ble Court, are already paid/deposited. Due to the amendment prayed for, the nature/subject matter of the suit does not and will not change. The amendment sought is of formal nature. Hence, he prayed as stated above.

03. The defendants have objected to the present application by filing say on its back-leaf itself. According to them, the application is not legally tenable. If the amendment is allowed, it will cause huge loss to them. There is delay in filing this application. Therefore, they prayed that, the application may kindly be rejected with costs. Alternatively, they submitted that, if the application is to be allowed, costs be imposed upon/on the plaintiff.

04. In the present case, it appears that, trial is yet to commence. Therefore, this application needs to be and can be considered liberally.

05. Hence, the time that has elapsed till filing of this application and the situation(s) brought on record now, needs to be looked into and certain discussion over here is very much necessary as well as to some extent relevant also (so far as delay is concerned).

06. As per the record, it appears that, after almost 7 to 8 months from the date of payment of Court-fees, the present application is filed. The reason to mention/state all this over here is to consider the time that has been consumed by the plaintiff.

07. I say so because, why the said application was not moved earlier/immediately after December-2024 is nowhere explained/clarified. No justifiable much less reasonable/satisfactory grounds are put forth for such a belated filing. Hence, merely because it is a nominal addition, the factor of what prevented the plaintiff from filing this kind of application previously (in the span of last 7 to 8 months, that too, diligently), cannot be ignored.

08. Looking to the nature of amendment, I find that it will not cause any prejudice to the defendants. More so, to avoid multiplicity of proceedings, it will not be improper if the amendment as prayed for is allowed.

09. The proviso to Order VI, Rule 17 is not applicable as such over here. However, there is some delay in filing the present application by the plaintiff. Therefore, some costs need to be imposed on the plaintiff for not answering/placing the application with sufficient/good cause(s) as regards

delay. Hence, in the interest of justice, I proceed to pass the following order:-

ORDER

- 1) The application Exh.48 is allowed subject to payment of costs of Rs.200/- by the plaintiff on or before next date in the Court/to the defendants.
- 2) The plaintiff is permitted to carry out the proposed amendment promptly and he shall supply the necessary amended copies forthwith.
- 3) Costs on the plaintiff.

Place - Guhagar
Date - 07.10.2025

(**Pratik V. Kapadia**)
C.J.J.D, Guhagar

Certificate

I affirm that the contents of this PDF file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	Mr. Somnath J. Thorat, Stenographer Grade III
Name of Court	The Court of Civil Judge, (J.D.) and J.M.F.C, Guhagar
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Order Signed by the P.O. on	07.10.2025
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