



CNR NO. MHSI70001462014

Order passed below Exh. No.98
(I.A. No.1/2023) in R.C.S. No. 38/2014

This is an application preferred by the defendant no.2 under Order 6 Rule 17 of the Code of Civil Procedure.

2. The defendant has contended that the defendant no.2 has filed written statement and say at Exh.34. After filing of written statement and say on 26/06/2018, the defendant has purchased 0-02-25 portion of landed property situated in Survey No.1371(899 A/B) Hissa No.2 having CT Survey No.2653 from Shridhar Patkar and another. vide registered sale deed no.661/2018. Therefore the said facts needs to be brought on record. Therefore, it is prayed that defendant be allowed to carry out proposed amendment in para no.10 of the written statement. The intended amendment will not change the nature of the suit. The proposed amendment will assist the Court to arrive just decision of the case. Therefore, prayed to allow the application.

3. The plaintiff has resisted the application by filing say at Exh.101. It is contended that the application is preferred to delay the proceeding. The defendant has intentionally conceal the execution of sale deed. Therefore, prayed to reject the application.

4. Heard, both the sides. Both the sides have reiterated the contentions raised in the application and say. The proposed amendment is not inconsistent with the earlier pleadings of the defendant no.2. It will not change nature of the suit. Moreover, the present application is preferred before the commencement of trial. By allowing the present application, no prejudice will be caused to the plaintiff. Therefore, the defendant no.2 needs to be permitted to carry out the proposed amendment. Thus, the application filed by the defendant no.2 is liable to be allowed and accordingly, I pass following order.

ORDER

1. The application at **Exh.98** is hereby allowed and the defendant no.2 is permitted to carry out proposed amendment.
2. The defendant no.2 shall carry out amendment on or before next date from the date of order and provide amended copy of the written statement to the plaintiff free of Costs.

(Pronounced and dictated in open Court.)

Place : Malvan
Date : 17/10/2023

Mahesh R. Devkate
Jt. Civil Judge Jr.Dn., Malvan.