

**Order below Exh. 47 in
R.C.S.. No. 33/2012**

This is an application filed under Order VI Rule 17 of the Code of Civil Procedure 1908 seeking amendment in the plaint. It is contended that illegally the S.No. 56 1A is divided. Defendant Nos. 1 and 2 have purchased some portion before filing of suit from Chandrakant Anant Sarmalkar. The effect of said sale-deed is given in revenue record recently. That too, inadvertently there are some typing mistake in the plaint. Hence to carry out the typing mistake as well as to clarify how the suit properties are purchased by the sale-deed by defendants this application is filed.

02. This application is strongly resisted by the defendants contending that, application is false and filed with intention to fill up the lacuna. If the application is allowed the nature of suit will be changed. Hence it is submitted that application may be rejected.

03. Heard both sides for sufficient length and time. After considering the proposed amendment it appears that nature of suit will not going to be changed. The hearing of the suit is yet to be started. If application is allowed then no prejudice will be caused to the defendants. It is not appeared from the application that the application is filed with malafied injunction. So discretion can be used in favour of plaintiff and accordingly application is allowed subject to costs of Rs. 200/-.

(Dictated on dais and pronounced in open Court.)

Date: 07/12/2015

Sd/-
(Santosh D. Chavan)
Civil Judge, Jr. Dn. Malvan.