

CNR No :- MHSI100002042021



:- REGULAR CIVIL SUIT NO. 23/2021 :-

:- ORDER BELOW EXH-91 :-

Plaintiff has filed the present application for amendment in the suit.

2. It is contended that, there are few clerical errors which needs to be corrected before judgment and decree is passed. It is contended that, on page No. 8 instead of paragraph No. 5 it is ro be corrected as para No. 8. Likewise, in para No. 8 line No. 3 the form of 7 and 14 be read in amendment as 7/12. Therefore form 7/12 is to be substituted instead of form 7/14. It is contended that, the amendment would not change the nature of suit and are clarification in nature. Accordingly, it is prayed that the application be granted.

3. On the other hand, defendants No. 6A(i), 6A(ii), 6A(iii), 7A, 7B, 7C, 7D and 18 objected the application and filed the say on the application itself contending that, the suit is posted for judgment. The proposed amendment would change the nature of the suit. The proposed amendment is false and is not admitted to the defendant. Hence, it is prayed that the application be rejected.

4. The notice of the present application was sent to defendant No. 2, 9, 10, 14 and 15B as they failed to appear, the application proceeded exparty against them vide order Dtd.11.09.2025.

5. Perused the application and say. I have heard the Ld. Advocate for plaintiff and Ld. Advocate for defendant No. 6A(i), 6A(ii), 6A(iii), 7A, 7B, 7C, 7D and 18. They both argued as per the

application and say respectively. Hence, the same is not reproduced.

6. It can be seen that, the present amendment has been sought after the final argument. However, it is necessary to understand that, the amendment as sought appears to be in respect of clerical mistakes and typographical mistake. If the amendment as prayed is granted, it would not change the nature of the suit. So also, granting the amendment would not cause any prejudice to the defendant. However, if the amendment is rejected, it may cause difficulty in deciding the matter on merits. Certainly the present amendment is sought at a very late stage. However the same does not appear to be sought malafidely. Considering the same, it would be appropriate to grant the application with necessary cost in the interest of justice. Accordingly, I proceed to pass the following :-

:-: O R D E R :-:

1. Application is allowed with costs of Rs.400/- (Rupees Four Hundred Only) payable to the defendants No.6A(i), 6A(ii), 6A(iii), 7A, 7B, 7C, 7D and 18 equally.
2. The plaintiff shall carry out amendment as prayed within 14 days from the date of this order and file the copy of amended plaint.

(Dictated and Pronounced in Open Court.)

Place : Dodamarg.
Date : 01/11/2025.

(Y. P. Bavkar)
Civil Judge (Junior Division),
Dodamarg