

ORDER BELOW EXH.47

This is an application made by plaintiff for amendment in the application for temporary injunction at Exh.5 as per Section 151 and 153 of Code of Civil Procedure. According to plaintiff, there is typographical mistake in the said application as the word 'perpetual' (निरंतर) has been wrongly mentioned in place of word 'temporary' (तुर्तुर्त) in para 1B and 5B of the application. The said mistake is typographical in nature and hence, a technical one. It will not change nature of application. Hence, plaintiff prayed for allowing the application.

2. Defendant filed his say at Exh.48. According to him, the said mistake is serious one and plaintiff cannot say it as typographical one. The plaintiff is only extending the status-quo on every date. He is seeking the relief which was not mentioned in the said application. Hence, defendant prayed for rejection of application.

3. Perused record. Heard both sides. For the purpose of deciding that, whether the proposed amendment is a substantial one or only to rectify typographical mistake it will be necessary to peruse the entire application at Exh.5. From the contents of said application, prima-facie it occurs that, the averments therein are looking to be about the interlocutory injunction. As per the general proposition, any application should be read in whole and not in part. From perusal of entire application, there is a scope to presume that, the application is for temporary injunction and the said mistake is a typographical one. Hence, application can be allowed. However, the matter is pending for argument on said application. The order of 'no argument by plaintiff' was also passed by this Court. Still the plaintiff is only extending the status-quo till date. Therefore, it will be proper to impose certain amount

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of costs to plaintiff. Accordingly, I pass following order.

ORDER

1. Application is allowed subject to payment of costs of Rs.200/- to defendant.
2. After deposit of costs, the plaintiff shall carry out necessary amendment in the plaint and file the copy thereof on or before next date.

Date:- 02.08.2025
Sangli.

(Onkar S. Shastri)
5th Jt.Civil Judge J.D.,Sangli.

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CERTIFICATE

I affirm that the contents of this P.D.F. file are same,
word to word, as per original order.

Name of the Stenographer	:	Shri. R. B. Samalewale,
Court Name	:	Shri. Onkar S. Shastri, 11th Jt. C.J.J.D. and J.M.F.C., Sangli.
Date	:	02.08.2025
Signed by P.O.on	:	04.08.2025
Uploaded on	:	05.08.2025