

(CNR No.MHSN0-40005122023)

ORDER BELOW EXH.56 IN CIVIL MISC. APPLICATION NO.32/2023
(Rajendra Anandrao Kumbhar V/s. Yashwant Tatoba Kumbhar, etc.)

1. This application has been moved by the applicant under Order 6 Rule 17 of the Code of Civil Procedure for carrying out amendment in the main application of delay condonation to file appeal. The respondents filed their say and opposed the application.
2. Heard respective advocates at length and perused the record.
3. In the application it is stated that, the names respondent no.13B and 10C are wrongly mentioned in title page of application. Hence, it is necessary to correct the said mistake. If said amendment is allowed, the respondents will not suffer any loss. The amendment is of formal nature and the same will not change the nature of proceeding. Hence, necessary permission may be granted to carry out the amendment.
4. The respondents have resisted the application by filing say and denied all the contentions made in the application. It is contended that, the reason mentioned in the application is false. The application is filed under wrong provision. Therefore, the application moved by applicant is liable to be rejected.
5. On perusal of record it reveals that, the applicant is seeking formal amendment in the application regarding the names of respondent no.13B and 10C. If said amendment is allowed, it will not cause any injustice to the respondents. Per contra, the application can be decided on merit for resolving the controversy between the parties.

6. I have perused the record. It appears that the applicant wants to rectify the mistake which is done inadvertently while drafting the application for condonation of delay to file appeal. Such inadvertent typographical mistake can be allowed to cure in the interest of justice to protect the legitimate rights of parties. Above all, the amendment is of formal nature and the same will not change the nature of proceeding. Hence, I hold that necessary permission may be granted to carry out the amendment.

7. Accordingly, I proceed to pass following order :-

ORDER

1. Application is allowed.
2. The applicant is directed to carry out necessary amendment in the main application, as prayed.

Date: 04/02/2026

(A. H. Kashikar)
Adhoc District Judge-1, Islampur.

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 : S.W.Pathan, (Steno Grade-I)
Court Name : Adhoc District Judge-1 & Addl.
Sessions Judge, Islampur.
Date of Order : 04/02/2026
Signed by PO. on : 04/02/2026
Uploaded on : 04/02/2026