

Order Below Exh. 61 In L.A.R. No. 32/2019.
(Bhanudas Barpate etc. Vs. District Collector, Sangli etc.)
(CNR No. MHSN050027572019)

The petitioners have filed the present application under Order VI Rule 17 of the Code of Civil Procedure (hereinafter referred to as “the C.P.C.” for short).

2. Read the application. Heard. It is the contention of the applicants that, the applications being LAR no. 07 of 2005 and 29 & 30 of 2005 filed under section 18 of the Land Acquisition Act, 1894 were decided on 01/01/2014 and 02/01/2014 respectively. The applicants applied for certified copies on 06/01/2014 and received the same on 07/03/2014. However, these facts have not been averred in the petition. Hence, the applicants have prayed for allowing the application. As against this, the learned advocates for the non-applicants have strongly opposed the application, contending that the matter has already been finally heard. Therefore, at this stage, the application for amendment is not tenable.

3. Having heard the parties, I have gone through the record. It is not in dispute that the applicants have filed the reference under Section 28-A of the Land Acquisition Act, 1894 on the basis of the judgment passed in LAR Nos. 3/2005, 4/2005, 7/2005, 29/2005, 30/2005 and 43/2005. Exhibit 40 and 41 are the copies of the judgment passed in LAR No. 30/2005 and 29/2005 respectively, which show that those are decided on 02/01/2014. Exhibit 40 and 41 also show that the applicants applied for a certified copy in LAR No. 29/2005 and 30/2005 on 06/01/2014 and received the same on 07/03/2014. The non-applicants have not raised any dispute pertaining to the award number, the date of judgment delivered in

LAR Nos. 3/2005, 4/2005, 7/2005, 29/2005, 30/2005 and 43/2005, the date of application made by the applicants for certified copies, or the date of receipt thereof.

4. It is not in dispute that, in view of Order VI Rule 17 of the CPC, amendment can be sought before commencement of trial. Courts generally adopt a liberal approach in such matters. Amendments are ordinarily allowed if they assist in determining the real controversy between the parties. The only question raised is whether amendment after conclusion of final arguments is permissible. In other words, the issue is whether amendment after conclusion of final arguments is permissible. While deciding an application for amendment at such a stage, it is necessary to examine whether the party, despite exercising due diligence, could not have raised the matter earlier.

5. In the present case, it is not in dispute that both parties advanced their final arguments and the matter was adjourned for judgment. When the case was fixed for pronouncement of judgment, the applicants filed the present application. I have already discussed that the non-applicants have raised an objection only with regard to the stage of filing of the application, and not in respect of the proposed amendment itself. In a catena of judgments, the Hon'ble Apex Court as well as the Hon'ble High Courts have consistently held that the Court may, at any stage of the proceedings, permit either party to alter or amend its pleadings. All such amendments are to be allowed if they are necessary for the purpose of determining the real questions in controversy between the parties.

6. In the present case, the learned advocate for the applicants has fairly submitted that, due to oversight, the number of the Award

was typed incorrectly. He also failed to mention the dates of the judgment, the date of application for getting certified copies, and the date of receipt of the copies of the said judgments. The record appears to be consistent with the proposed amendment. In such attending circumstances, I am of the view that the applicants might indeed have failed to raise the matter earlier due to oversight. The fair submission made on behalf of the applicants can, therefore, be considered in the interest of fair adjudication. That apart, the record indicates that the errors are merely typographical in nature. The present proceeding arises under a social welfare legislation, and hence a liberal approach is expected.

7. That apart, if the application is rejected, complications may arise in future, and the applicants may be compelled to file a fresh application. Hence, it is necessary to resolve the dispute in the present proceedings itself so as to avoid multiplicity of litigation. No prejudice would be caused to the non-applicants if the application is allowed. So also, the nature of the application won't be altered due to proposed amendment. Considering the circumstances and the aforementioned discussion, I am of the view that the application deserves to be allowed.

ORDER

1. Application is hereby allowed.
2. The applicants are hereby directed to carry out proposed amendment within 14 days from the date of this order and produced amended copy of the reference on record.
3. Cost in cause.

Islampur.
Date:- 30/01/2026.

(Bhagwan M. Karlekar)
Jt. Civil Judge Sr. Dn., Islampur.