

**Order below Exh.17 in R.C.S.No.144/2018****[Baban Balu Sarwade & Ors. v/s. Natha Keshav Sarwade & Ors.]****[CNR-MHSN090009072018]**

The present application is filed by plaintiffs under Order VI Rule 17 of Code of Civil Procedure.

2. By filing present application it is submitted by the plaintiffs that, the plaintiffs have filed present suit for recovery of possession. The plaintiffs have filed on record the notices which were sent to the defendants at Exh.3/5 and 3/6. But, through oversight pleading regarding the same was remained to be mention. Further due to typing mistake it is written as June 2018 instead of September 2018. Therefore, the plaintiffs want to make above-mentioned amendment. The said amendment will not change the nature of suit. The amendment which is sought is technical in nature. Therefore, they prayed that application may be allowed.

3. The Ld. Advocate for the defendant no.1 filed his say and submitted that the contents of the application are false frivolous, therefore, application may be rejected. In the alternatively it is prayed that if Court comes to the conclusion to allow the present application, then the application may be allowed with heavy costs.

4. Heard both sides. Perused recored. After perusal of record it is seen that the plaintiffs have filed present suit for recovery of possession. The plaintiffs have filed on record the notices issued to the defendants demanding the possession.

Therefore, it will be just to allow the plaintiffs to plead the same. Further it is seen that it is the contention of plaintiffs that due to typographical mistake in para no.5 and para no.8 instead of September the month of June has been written. Therefore, this amendment is necessary. The mistake being typographical mistake, it will be just to given an opportunity to amend the same to the plaintiffs. While giving such opportunity it is necessary to saddle costs on the plaintiffs. Hence, I proceed to pass following order.

**ORDER**

1. Application is allowed subject to costs of Rs.100/- ( Rs. One Hundred).
2. Plaintiffs to carry out necessary amendment and to furnish the copy of amended plaint on next date.
3. Amount of costs be credited to the Government.

Sd/-06.01.22

**TASGAON.**  
**Date : 06.01.2022**

**(Omprakash M.Mali)**  
**Joint Civil Judge Jr.Dn.,**  
**TASGAON.**

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

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|---------------------------------------------|---|--------------------------------------------------------------------|
| Name of the Stenographer                    | : | U.P.Patil                                                          |
| Court                                       | : | Jt.Civil Judge Jr.Dn. and<br>Judicial Magistrate F.C.,<br>Tasgaon. |
| Date                                        | : | 06.01.2022                                                         |
| Order signed by the Presiding<br>officer on | : | 06.01.2022                                                         |
| Order uploaded on                           | : | 06.01.2022                                                         |