

ORDER BELOW EXH. 49
(CNR NO. MHSN110001302015)

1. Present application is moved by the plaintiff U/o 6 R 17 of CPC. It is submitted that at the time of institution of suit, the defendant no. 2 and 3 were minors and at present they have attended their majority. Since both the defendants have attended their majority the plaintiff has moved this application with a prayer to permit him to carry out necessary amendment in the clause title of the plaint in respect of age of the defendant no. 2 and 3.

2. Court has called say of defendants. They have opposed the application on ground that the application is not supported by any documentary proof. The defendants have further claimed that the plaintiff has failed to take proper steps previously and therefore, this application cannot be allowed. Apart from this, the defendants have also submitted that if this Court comes to conclusion that the prayer claimed to be granted to the plaintiff, it may be allowed by imposing heavy cost on the plaintiff.

3. Heard both sides.

4. I have gone through the contents of the application and the plaint (Exh. 1). In the plaint (Exh. 1), the age of defendant no. 2 and 3 are shown as 15 years and 14 years respectively. Further, the suit was instituted in the year 2015. Now, we are in the year 2019 and this fact itself shows that at present the defendant no. 2 and 3 have attended majority. Further, though the application is not supported by any documentary proof, the plaintiff has filed his affidavit in support of the application. Therefore, though the application is not supported by any documentary proof, it will not be proper to reject the application on said ground. Further, the proposed amendment is necessary for proper

adjudication of the suit. Furthermore, if the amendment sought is allowed, it will not cause prejudice to the interest of the defendants in any manner. Considering above fact, though the application is opposed by the defendants, I do not find any reason to reject the application. Hence, I am passing following order,

ORDER

1. The application Exh. 49 is hereby allowed.
2. The plaintiff is permitted to carry out amendment in the clause title of the plaint in respect of age of defendant no. 2 and 3 on or before next date.

Sd/-

Place :- Atpadi.
Date :- 25-04-2019

(J. R. Ghadge)
Jt.Civil Judge, Jr. Dn., Atpadi.
Dist. Sangli.