

**Order below Exh.35 in**

**R.C.S.No. 22/2016**

**CNR-MHSN12-000097-2016**

*(Popat Aitawade Vs. Raghunath Kamble & Ors.)*

(1). The plaintiff has filed present application under Order VI Rule 17 of Code of Civil Procedure and prayed to amend the plaint.

(2). As per contention of the plaintiff on 02/08/2018 plaintiff amended the suit and added name of Aasha Maruti Kamble as heir of defendant no.6. But after issuing summons the report shows that there is no person as such Aasha Maruti Kamble is resided in the village. Upon inquiry plaintiff came to know that the name of heir of defendant no.6 is Asmita Maruti Katkar instead of Aasha Maruti Kamble. Therefore, the plaintiff filed the present application to amend the plaint.

(3). The defendants have filed their say and prayed for rejection of application.

(4). Heard learned advocate for plaintiff and defendants. The learned advocate for the plaintiff submitted that Law in respect of amendment in plaint is settled. It is stated that broad view needs to be taken in cases of amendment in plaint. But, if the proposed amendment cause prejudice to defendants then such type of amendment

shall not be allowed. In the present case due to the proposed amendment it will not cause prejudice to the defendants. In the interest of justice in order to decide the suit on merit the proposed amendment needs to be allowed. Hence, I pass following order.

**Order**

- (1) The application is allowed subject to costs of Rs.500/-
- (2) The plaintiff is directed to carry out the amendment as prayed within 14 days from today and to submit amended copy of the plaint.

Palus.

Date:- 05/10/2018.

Sd/xx

(K.S.Suryawanshi)

Civil Judge Jr.Dn., Palus.