

Order Below Exh. No.34 in R.C.S No.72/2025

01. This is an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 filed by the Plaintiff seeking amendment of Plaintiff to correct the age of defendant no.3 as '16' instead of '22' in the cause title of the Plaintiff and to add details regarding guardian for minor defendant no.3. The suit is filed for perpetual injunction against the Defendants. Now, the Plaintiff sought to amend the cause title of the plaintiff by correcting the age of Defendant no.3 in the cause title of the plaintiff. The plaintiff submitted that proposed amendment is of formal nature and there is no any harm to the Defendants, if this application is allowed. Hence, the plaintiff prayed to allow this amendment application. The defendants filed say dated 16/07/2025 and resisted this application.

02. Perused the Plaintiff, application and say. Heard both sides. On perusal of the application at Exh.34, it is seen that the Plaintiff sought to amend the age of defendant no.3 in cause title of the plaintiff. On perusal of record, it appears that the amendment sought by the Plaintiff is of technical nature and consistent with the documents on record i.e. documents about age of defendant no.3 vide Exh.28/1 to 28/2. The proposed amendment is sought before commencement of trial. Hence, it can be accepted that the proposed amendment will not change the nature of the Plaintiff and it is necessary for the purpose of determining the real question in controversy between the parties. Thus, in the interest of justice, the application at Exh.34 deserves to be allowed. Hence, following order is passed-

- i) Application at Exh.34 is allowed subject to costs of Rs.200/- to be credited to the Government.
- ii) The Plaintiff is directed to carry out the amendment of the Plaintiff within 14 days from the date of payment of costs and submit the amended copy of Plaintiff accordingly.

Place: Kadegaon

Date:13-08-2025

(Smt.Madhavi R. Patkar)

C.J.J.D. Kadegaon