

ORDER BELOW EXH.67

IN

R.C.S.No.216 of 2012

(I A No. 2/ 2021)

This is an application for amendment by the plaintiff under O-VI Rule 17 of the Code of Civil Procedure.

2] It is submitted by the application that the address of the plaintiff has been changed and he has filed pursis vide Exh.62 to that effect. Now he is residing at post Shirval Tq.Khandala Dist.Satara. In his plaint, the address is at Pundalik Nagar , Plot No.8 , Om Shanti Bangla, Pandharpur Dist.Solapur. Hence, amendment regarding the same may be allowed.

3] The application is challenged by filing say vide Exh.70. It is submitted that under O-VI Rule 17 of the Code of Civil Procedure only pleadings can be changed and not the address. The application is pre-mature and without any supporting documentary evidence.

4] The application is supported by affidavit. It is only to change the address of the plaintiff as he has stated on oath that his address has been changed. The said fact is supported by his affidavit vide Exh.68. He has already filed Patta pursis to that effect vide Exh.62. It is taken on record by my learned predecessor. Hence, already his registered address has been changed by filing new Patta pursis. The defendants have relied upon authority of Hon'ble Karnataka High Court in **Yellappa Vs. Yashodabai(AIR 2004 KARNATAKA 388)**. But, it is clearly on the different issue that if party fails to furnish his correct and proper address, then consequences under O-VI Rule 14(A) shall follow. Now by virtue of this application the plaintiff is seeking to produce his changed address on the record. Hence, on the contrary he is complying the O-VI Rule 14(A) of the Code of Civil Procedure.

5] The amendment is technical. There is no prejudice to the defendants by the amendment. The amendment is not affecting the merits of the case. It does not change the nature of the suit. The O-VI Rule 17 of the Code of Civil Procedure provides about amendment in pleadings and pleadings includes plaint and written statement. But , by virtue of Section 151 of C.P.C. as well as Section 153 of the Code of Civil Procedure, the Court may at any time may allow to amend any defect in any proceeding in a suit. It is necessary to determine the real question in the proceedings. Hence, the amendment can be allowed by virtue of Section 153 of the C.P.C.. Hence, following order is passed.

ORDER

1. The application is allowed
2. The plaintiff shall carry out amendment within 14 days and shall file amended copies of the plaint.

Sd/-

Pandharpur
Date:-24.02.2021

(M.R.Jadhav)
Civil Judge Senior Division,
Pandharpur

CERTIFICATE

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

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 24-02-2021

Order/Judgment signed
by the Presiding Officer on : 24-02-2021

Order uploaded on : 24-02-2021