

**Order below Exh. 32**

This application is filed for amendment as regards the name of the defendant No.1. Defendant Nos.2 and 3 filed say overleaf to the application and resisted it.

2. Heard advocate Shri Savji for the plaintiff and Advocate Shri Lawate for defendant Nos.2 and 3.

3. Advocate Shri Savaji for the plaintiff submitted that, the summons were issued to defendant No.1 but, those are unserved with the reason that, there is no such person residing with defendant Nos.2 and 3 by named Malan. He further submitted that, the plaintiff came to know the name of defendant No.1 as Malan, but, she is also called as Anuradha. Therefore, he prayed to amend the plaint as regards the name of defendant No.1. He further submitted that, if the application is allowed, there will not no prejudice to the defendants, but, if it is rejected, it will prejudice the rights of the plaintiff and therefore, he prayed to allow the application.

4. Advocate Shri Lawate submitted that there is no evidence filed by the plaintiff which certifies that the name of defendant No.1 is Anuradha. The application is false and therefore, he prayed to reject the application.

5. I have gone through the records. Present suit is filed for recovery of money advanced by way of crop loan to

deceased Laxman Mali. It is the case of the plaintiff that, deceased Laxman have three heirs i.e. wife and two children. They added wife as defendant No.1 and children as defendant Nos.2 and 3. The summons report is filed below Exh.6. It is reported by the bailiff that, defendant Nos.2 and 3 reported him that there is no such person in their house, whose name is Malan. In such circumstances, it is established by the plaintiff that the summons are not served due to wrong name. In such circumstances, the application is required to be allowed for the just decision of the case. There will be no prejudice to the defendant, if it is allowed, but viceversa it will be prejudiced to the plaintiff, if it is rejected. Hence, I pass the following order :

: ORDER :

1. Application is allowed.
2. Plaintiff is allowed to amend the plaint as prayed in the application and file amended copy of the plaint on next date.

Date:- 16.02.2024

{M.R.Kamat}  
Jt.C.J.J.D., Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment/Order are same word to word, as per the original Judgment / Order.

Court	:	Jt. C. J. J. D. Pandharpur.
Name of Stenographer	:	R.M.Gogi.
Date	:	16/02/2024.
Judgment/Order signed by the Presiding Officer on	:	16/02/2024.
Judgment/Order uploaded on	:	16/02/2024