

ORDER BELOW APPLICATION (EXH.17) IN R.C.S.No.557/2013

Present application is filed by the plaintiffs seeking permission to amend the plaint so as to insert para 4A after para 4 in the plaint.

2. It is asserted that the suit is for declaration and perpetual injunction. During the pendency of the suit, defendant No.2 has executed a Gift deed in favour of defendant No.1 and thereby gifted 17 Are land of Gat No.100 to him. Said sub-sequent events are required to be incorporated in the plaint. Hence, they be permitted to add/insert para 4A after para 4 in the plaint. Hence, the application.

3. Defendants have filed the say and objected the application contending that the application is not tenable. The proposed amendment would change the nature of the suit. They have prayed for passing rejecting the application. Alternatively, they have prayed for awarding costs of Rs.2000/- to them while allowing the application.

4. Perused the record and proceedings. Heard both the sides. Only point which arise for consideration is : Whether the plaintiffs have made out a case to allow the application?

5. Plaintiffs want to amend the plaint so as to add/insert para 4A after para 4 in the plaint. It is their case that defendant No.2 has gifted 17 Are land of Gat No.100 to defendant No.1 during the pendency of the suit and hence, they want to bring subsequent events on record. Their objection is vague. They have not pointed out as to how the proposed amendment would change the nature of the suit. Effective hearing of the suit is yet to begin.

Defendants would get an opportunity to put their case. Considered thus, no prejudice would cause to them if the application is allowed. Hence, the application is allowed. Plaintiffs are permitted to amend the plaint. They shall carry out the amendment within two weeks. They shall submit a copy of the amended plaint.

Date :14.03.2018

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi,

CERTIFICATE

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

Name of Stenographer :

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi.

Date : 14.03.2018

Judgment signed by the
presiding officer on : 14.03.2018

Judgment uploaded on : 14.03.2018