

**ORDER BELOW EXH. NO. 11 IN R.C.S. NO. 31/2023**

- 1) By this application, the plaintiff has prayed for permission to carry out amendment in the plaint so as to delete the portion regarding rights claimed in the well, borewell and pipeline vide Order 6 Rule 17 of the C.P.C.
- 2) It is contention of the plaintiff that, inadvertently he has claimed right in well, borewell and pipeline. In fact there no well, borewell and pipeline. Therefore, he want to delete said portion.
- 3) By filing say, the defendant has opposed the application contending that, there is no need of amendment. In alternate he has prayed for cost of Rs. 500/-
- 4) Heard both sides. Perused the record. Suit is for partition and separate possession. Portion of agricultural land situated in block Nos. 99 and 101/2 of village Patkul are subject matter of the suit. Matter is pending for framing of issues. As such, yet trial is not commenced. The proposed amendment appears to be necessary for the purpose of determining the real questions in controversy between the parties. It appears that, portion regarding claim about well, borewell and pipeline is inadvertently mentioned in the plaint. Therefore, if said portion is deleted it would not cause prejudice to the defendant. However, for delay the defendant requires to be compensated. Hence, I pass the following order ;

**O R D E R**

1. Application (Exh. 11) is allowed.
2. The plaintiff is permitted to carry out amendment in the plaint so as to delete the portion regarding well, borewell and pipeline subject to cost of Rs. 200/- (Rs. Two Hundred Only).  
After cost compliance, plaintiff to carry out such amendment and submit copy of amended plaint on next date for Court purpose and also for the defendant.
3. After amendment in plaint, the defendant is at liberty to amend his written-statement if required.
4. Cost in cause.

Date: 26/06/2023.

**(P. G. Mahalankar)**  
Jt. Civil Judge, J. D., Mohol.

**CERTIFICATE**

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

Name of Stenographer	: V. A. Dange
Court	: Jt. Civil Judge J.D., Mohol
Date	: 26/06/2023
Order signed by the Presiding Officer	: 26/06/2023
Order Uploaded on	: 27/06/2023