

ORDER BELOW EXH.27

IN

R.C.S.No.382 of 2023

(CNR No.MHSO220049702023)

1] This is an application for the amendment of in pleadings under O-VI, Rule 17 of the Code of Civil Procedure.

2] It is submitted by the applicant that proposed amendment is necessary for adjudication of suit. The proposed amendment is only to sought typographical mistake. Said amendment will not affect the suit and also not affect the defendants say. If proposed amendment allowed it will help to both parties. The nature of suit does not change by said amendment. Hence, application be allowed.

3] The defendants filed say on application and stated that is not maintainable in eyes of law and filed only to prolong the trial. Therefore application be rejected.

4] This suit is filed for injunction. It is pending at the stage of evidence of plaintiff. It is settled law that procedural law is handmaid of justice. So, mistake being typographical, it should be allowed to be rectified. The amendment does not change the nature of the suit. As it is typographical error, it should be rectified. It does not cause any prejudice to the defendants say. Hence, considering the stage of the suit and in order to decide the suit finally and effectively, the amendment application deserves to be allowed. Therefore, following order is passed.

ORDER

- 1) The application is allowed subject to costs of Rs.200/- which will be payable to the defendant.
- 2) The plaintiff shall carry out the amendment and file the amended copy within prescribed limit according to law.
- 3) If applicant failed to comply, the application will be automatically filed.

Place : Karmala.
Date : 01.09.2023.

(M. P. Ekhe)
Civil Judge Senior Division,
Karmala.

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, Karmala
Date : 01.09.2023

Order/Judgment signed
by the Presiding Officer on : 01.09.2023

Order uploaded on : 01.09.2023