

Shri. D. S. Ambavkar,

V/s.

The chairman, Parashuram Education society and others.

Order below Exh. 48
(Date - 02.01.2025)

Present application is filed by applicant under order VI Rule 17 of Code of Civil Procedure.

2. According to the applicant in application of delay condonation they have mentioned the period in format of months, by filing present application he want to mention the actual days instead of months. Thus, the applicant has prayed for amendment in para 2 and prayer clause (a) by striking out 01 year, 06 months and 22 days by inserting 570 days instead.

3. Respondent No. 1, 2, 4, 6, 8 and 10 have filed their say below Exh. 56 and 57 respectively. According to them, as per para 451(1) of the Civil Manual, the application should mention the delay in days at the time of institution, thus, application deserves to be rejected. It is further contended that the amendment prayed for change the nature of proceeding.

4. I have reviewed the record and proceeding, as a matter of fact, the appellant has filed present application for condonation of delay and in prayer clause of delay application the delay of 01 year, 06 months and 22 days was mentioned by the applicant. As per para 451(1)(iii) of

Civil Manual the delay must be mentioned in days only. Therefore, it would be just and proper to grant permission to the application to mention 570 days instead of 01 year, 06 months and 22 days in para 2 and prayer clause of the application.

5. The amendment sought are only convert the delay into the days only, therefore, it would not change the nature of main petition. Furthermore, while deciding the application it would be just and proper to adopt hyper technical view, therefore, applicant deserves leniency.

6. Hence, application is allowed, permission is granted under Order VI Rule 17 of Code of Civil Procedure to amendment in para 2 and prayer clause (a) by striking out 01 year, 06 months and 22 days by inserting 570 days instead.

Date :-02.01.2025.
Place:- Kolhapur.

(V.N.Dhavle)
Presiding Officer,
School Tribunal, Kolhapur.