

Sp. C. S. No. 09/2009

Shri. Shivajirao Gajananrao Patil. ----- **Plaintiff**

Vs.

Shri. Amrut Bhikuso Patil & Ors. ----- **Defendants**

Order Below Exh. 98

1. The plaintiff has filed this application under Order 6 Rule 17 of Civil Procedure Code for amendment in the plaint.

2. Defendant No. 3 and 4 have taken strong objection by filling say at Exh. 103. It is stated that the amendment cannot be sought at this stage.

3. Heard arguments of Advocate for the plaintiff. Despite giving opportunity, the defendants remained absent for arguments.

4. It is submitted by Advocate for the plaintiff that the present suit is filed for compensation for defamation at the hands of the defendants. The plaintiff wants to make proposed amendment on basis of subsequent events occurred during pendency of the suit. This amendment is necessary because it is related with the contentions in the plaint in respect of defamation. The nature of the suit will not be changed if amendment is allowed, and if not allowed the plaintiff will suffer great loss.

5. In support of the application, the plaintiff has filed the documents with list Exh. 104. The documents are the statement of defendant No. 1 given before Anti-Corruption Bureau, Pune, panchanama conducted before fixing trap/raid, panchanama at the time of conducting raid/trap, the conversation between the plaintiff and the

complainant Amrut Patil, and the letter issued by A. C. B., Pune to Karad City Police Station.

6. It is contention of the plaintiff that defendant No. 1 has previously made false complaints against such officers. The plaintiff got this information recently. Hence, the amendment in that respect is prayed for.

7. On reading the proposed amendment it appears that it is in addition to the original contentions in the plaint. It is relevant and related with the claim of the plaintiff. Hence, the amendment is necessary for the plaintiff to prove his claim. If the amendment is allowed then it will not change the nature of the suit. The defendants will get an opportunity to cross-examine the plaintiff and so, they will not suffer any loss. The evidence in this suit is not commenced. Hence, in view of above discussion the application deserves to be allowed. In the result, I pass the order.

ORDER

1. Application Exh. 98 is allowed.
2. Plaintiff to carry out proposed amendment on or before next date and shall furnish copy of amended plaint.
(pronounced in open Court)

Dt. 19/01/2017
Karad.

(P. A. Savadikar)
Civil Court Sr. Dn. Karad.

Ganesh D. Jadhav,
Stenographer (L.G.)