

Order Below Exh. 44

Perused application and say on it. It is contended that, my learned predecessor in office has passed the order below Exh. 33 and allowed the applicant to carry out the amendment. However, inadvertently it remained to be carried out. The delay in carrying out the amendment is not intentional. Hence, he has prayed for allowing him to carry out amendment as prayed for.

2. Learned advocate for the respondent has resisted the application only on the ground that the applicant has not carried out amendment negligently within the period of limitation and prayed for rejection of application.

3. Admittedly, as per Order 6 Rule 18 of the Code of Civil Procedure the applicant was supposed to carry out amendment within 14 days from the date of order. But he failed in it. It is contended that the amendment is remained to be carried out inadvertently. Present suit is in respect of recovery of amount. So it will be proper to adjudicate it on merit. The amendment is in respect of impleading necessary parties to the suit. So no prejudice will be caused to the respondent if application is allowed. However, as rightly pointed out by learned advocate for the respondent order of amendment is passed on 16.01.2017. The applicant failed to carry out necessary amendment within stipulated period. Though on 07.03.2017 the applicant had moved application under Order 6 Rule 18 of the Civil Procedure Code but applicant failed to carry out amendment as ordered. Even in application only reason is mentioned that due to oversight the applicant failed to amend. Therefore, the applicant appears to be negligent. However, delay can not be only reason for rejecting the application as the respondent can be compensated for delay caused in filing application by

imposing costs on the applicant. Hence, in view of this discussion I pass following order.

ORDER

1. The application (Exh.44) is hereby allowed subject to costs of Rs.100/-.
2. The applicant is directed to carry out necessary amendment forthwith and submit amended copy.
3. Costs in cause.

Date:-29.03.2017

[Sou V. P. Gaikwad]
Jt. Civil Judge Senior Division, Karad.