

**ORDER BELOW EXH. 29 IN R.C.S. No. 113/2023**

01. Perused the application and heard respective counsels. Perused the case papers.

02. The perusal of the case papers and submissions of the counsel shows that the Exh. 5 application came to be filed by the plaintiff and defendant no. 5 filed the say wherein he has submitted that the construction of protected work has been completed. Now, the defendant no. 2 filed the application for amendment and submitted that the construction of the protected work is completed except the suit property. The defendant no.2 submitted that the say has been filed by the defendant no.1 and 2 but defendant no. 2 committed the mistake and submitted it that the construction of total work has been done. So, the amendment be allowed wherein it is mentioned that except the suit property construction of protected wall is completed.

03. The say of the other side came to be invited. The other side opposed the application on the ground that the application is false.

04. The perusal of the case papers and say of the plaintiff shows that there is mistake in reply to the Exh.5 application. The perusal makes it clear that the construction of protected wall except suit property has been completed. The same contention is required to be incorporated in the body of say, otherwise, there would be an inchoate adjudication. No prejudice would be occasioned to anybody if the application is allowed. The Exh. 5 hearing has not yet commenced so there cannot be any question of prejudice. So, I am of the view that an amendment sought is to be allowed. Hence, I am inclined to pass following order.

**ORDER**

1. The application stands allowed.
2. The amendment be carried out within 14 days.
3. The amended reply/ corrected reply of Exh. 5 be filed.
4. No any order as to costs.

Date:- 13.10.2023  
Karad.

(V. S. Khot)  
Civil Judge, Sr.Division, Karad.