

ORDER BELOW EXH. 92 IN Spl.C.S.NO. 9/2015

01. Read the application and say. Heard the counsels.

2. In this case the Court has directed the plaintiff to make the valuation and accordingly, the plaintiff has valued the suit. The plaintiff is going to furnish the Court fee stamp of Rs.82,360/- to the Court. The plaintiff prayed for permission to carry out the amendment in the plaint as per the order of the Court.

03. The say of the other side came to be invited. The defendant no. 5 submitted no objection but defendant no. 7 objected the application and submitted that no proper valuation is made. The application is inchoate and liable to be rejected.

04. In this case the Court has passed the order and accordingly, the plaintiff has valued the suit. There is no specific opposite contention in respect of valuation made by the plaintiff. The plaintiff has filed this application for allowing them to carry out the amendment. The order is passed and it is required to be carried out, otherwise, there would be inchoate adjudication. There is opposition from the defendant no. 7 but no specific opposition / contention has been taken. In such circumstances I am of the view that application should be allowed and plaintiff should be permitted to carry out the amendment as per order below Exh. 46 and 75. It is apparent that plaintiff has caused delay to the defendant for which the plaintiff is liable to pay costs. In such circumstance, I am of the view that costs of Rs.500/- would be sufficient. Having regard to abovesaid reasons, I am inclined to pass following order.

ORDER

1. The application Exh. 92 is hereby allowed.

2. The plaintiff to carry out the amendment.
3. The plaintiff to pay the costs of Rs.500/- to the defendant and the payment of costs would be condition precedent for carrying out the amendment.

Karad.

Date- 30.01.2023

(V. S. Khot)

Civil Judge Senior Division, Karad.