

ORDER BELOW EXH. NO.195 IN R.C.S. NO.194/1991

Defendant no.5 has moved the present application for amendment of written statement, by taking recourse to Order VI Rule 17, of the Code of Civil Procedure, 1908, contending therein that, proposed amendment is necessary in order to effectively adjudicate the controversy in the matter.

02. Application is opposed vide say below Exh. 199, on the ground that, proposed amendment would change the pleading of defendant and there is delay. So, according to plaintiff, application needs to be rejected.

03. Criteria to the amendment plaint is different from criteria to amendment of written statement and defendant can take the different pleas. Proposed amendment would not change the nature of the pleading of defendant and so, needs to be allowed. As far as, grievance of the plaintiff is concerned, it can be compensated in terms of cost. Hence, the following order.

O R D E R

1. Application is allowed subject to cost of Rs. 200/-.
2. Permission granted for amendment as mentioned in the application.
3. Defendant to carry out amendment accordingly and file amended copy of the written statement.

Karad.
Date :- 15/04/2024.

Sd/xxx
(Y.H.S. Deshmukh)
Civil Judge, Senior Division,
Karad.

ORDER BELOW EXH. NO.197 IN R.C.S. NO.194/1991

Defendant no.6 has moved the present application for amendment of written statement, by taking recourse to Order VI Rule 17, of the Code of Civil Procedure, 1908, contending therein that, proposed amendment is necessary in order to effectively adjudicate the controversy in the matter.

02. Application is opposed vide say below Exh. 200, on the ground that, proposed amendment would change the pleading of defendant and there is delay. So, according to plaintiff, application needs to be rejected.

03. Criteria to the amendment plaint is different from criteria to amendment of written statement and defendant can take the different pleas. Proposed amendment would not change the nature of the pleading of defendant and so, needs to be allowed. As far as, grievance of the plaintiff is concerned, it can be compensated in terms of cost. Hence, the following order.

O R D E R

1. Application is allowed subject to cost of Rs. 200/-.
2. Permission granted for amendment as mentioned in the application.
3. Defendant to carry out amendment accordingly and file amended copy of the written statement.

Karad.
Date :- 15/04/2024.

(Y.H.S. Deshmukh)
Civil Judge, Senior Division,
Karad.