

R.C.S.NO. 30/2021
MHST060000912021

ORDER BELOW EXH. 30
(Vijaykumar Vs. Shamrao)

This is an application under Order 6 Rule 17 of the Civil Procedure Code, 1908 (Hereinafter referred as “the C.P.C” for the sake of brevity) for amendment in the plaint. Perused the application and reply. Heard the learned counsels for both the sides at length.

2. By virtue of the instant application, the plaintiff wants to amend the plaint. The plaintiff wants to add paragraph no.5A in the plaint. He also wants to add prayer no.9A(1). The proposed amendment is regarding encroachment made by defendants. The defendants strongly objected the application. It is pertinent to note that the proposed amendment appears to be very formal in nature. There is a subsequent development after filing of present suit. As such by no stretch of imagination it can be considered that it changes the nature of the suit. Moreover if the proposed amendment is allowed then absolutely no prejudice is going to cause to defendants. Hence, I am inclined to allow the instant application. Consequently, I proceed to pass following order:-

ORDER

1. The application stands allowed subject to costs of Rs.500/- payable to defendants.
2. The plaintiff is permitted to carry out the proposed amendment in the plaint on or before next date.
3. The plaintiff is directed to place on record the amended copy of the plaint and further directed to supply copy of the same to the defendant.

Place : Dahiwadi.
Date : 13.11 .2024

Sd/-
(S. S. Gadve)
C.J.J.D., Dahiwadi