

MHST060007852019



ORDER PASSED BELOW EXH. 26 IN R.C.S. NO. 228 OF 2019.

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

02. By virtue of the instant application, the defendant wants to amend the written statement or want to file additional written statement. It is the contention of the defendant that he has already filed written statement. But due to old age she could not tell all information to her advocate. Some information has wrongly mentioned in the written statement. She want to correct it. The defendant want to made amendment in Para No. 4 of the written statement as mentioned in the present application. She also want to add paragraph No. 4A and 6A in written statement. The proposed amendment will not change the nature of the suit. It will not cause any prejudice to the plaintiff.

3. The plaintiff objected the application by filing his say. He contended that defendant has not filed any documentary evidence regarding proposed amendment. The defendant has taken hand loan of Rs. 1,70,000/- from the plaintiff. The plaintiff has already lead his evidence. The defendant has filed present application to prolong the matter. Hence, he prayed for rejection of the application.

4. It is pertinent to note that the proposed amendment appears to be very formal in nature. The proposed amendment will not change the nature of the suit. The plaintiff is having opportunity to answer the proposed the amendment by leading evidence. The evidence of defendant has not started yet. For avoiding multiplicity in the proceeding and for proper adjudication of the matter, it is proper to allow the application. It is also necessary to saddle costs on the defendant. Consequently, I proceed to pass following order :-

- : ORDER :-

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

Date : 15.03.2025

sd/-
(S.S. Gadve)
Civil Judge Junior Division,
Dahiwadi.

:- Affirmation certificate :-

I affirm that the contents of this P.D.F. file order are same, word to word as per original order.

Name of the Stenographer	:- A. N. Ombase, Steno Grade-3,
Name of the Court	:- Civil Judge (J.D.) & J.M.F.C., Dahiwadi, Tal. Man, Dist. Satara.
Date of judgment/order	:- 15.03.2025
Judgment/order signed by the Presiding Officer on	:- 15.03.2025
Date of judgment/order uploaded on	:- 15.03.2025