

ORDER BELOW EXH.63 IN R.C.S.NO.144/2002

(Nivrutti Ingawale v. Adhikrao Thorat and ors.)

Defendant Nos. 2 to 4 have filed instant application for amendment of written statement (Exh. 46) vide Order VI Rule 17 of the Code of Civil Procedure.

02. In nutshell, the plaintiff has filed present suit against defendant as to specific performance of contract. Defendant No. 2 to 4 filed their written statement and say vide Exh. 46 dated 27.09.2011. Defendant No. 1 has also filed her written statement (Exh.11) dated 18.10.2002. Defendant Nos. 2 to 4 filed instant application to amend their written statement and say (Exh. 46) and insert para No. 6 in their written statement (Exh. 46), as mentioned in para No. 2 of this application.

03. Plaintiffs resisted this application by filing say thereon. Heard learned advocates for both parties, at length.

04. On perusal of present application it appears that, the defendants wants to adopt contents in the written statement (Exh.11) filed by defendant No. 1. The amendment sought by defendant Nos. 2 to 4 is technical in nature and if the application is allowed, no any prejudice will be caused to plaintiffs. On perusal of record and proceeding it appears that, this application has been filed on 28.09.2015. It also appears that, defendant Nos. 2 to 4 filed their written statement vide Exh. 46 on 25.04.2011. Hence, defendant Nos. 2 to 4 filed this application after 4 years of filing of written statement (Exh. 46). The present suit is near about 13 years old. Therefore, considering the delay caused by defendant Nos. 2 to 4 in filing present application, the application is liable to be allowed subject to cost of Rs.400/- payable to plaintiffs. Resultantly, I pass following order :-

ORDER

1. The application (Exh.63) is allowed subject to cost of Rs.400/- payable to plaintiffs.
2. Defendant Nos. 2 to 4 shall carry out amendment within stipulated period and file amended copy of written statement.
3. Accordingly, application is disposed off.

Dated:- 03.11.2015.

(Balasaheb S. Gaikwad)
6th Jt. Civil Judge Junior Division,
Karad.