

ORDER PASSED BELOW EXH. 63 IN R.C.S. NO. 246/2011

The plaintiff has filed application for amendment of the plaint under Order VI rule 17 of the Code of Civil Procedure. Defendant No. 2 has resisted application by filing say on the application itself.

2. Heard both parties advocates. Perused the application, say, plaint and record of the suit. The plaintiff has filed suit for declaration of sale deed dated 23.01.2001 is illegal. The plaintiff wants to amend that on 23.03.2001 the plaintiff's father had not executed the sale deed. The sale deed does not bear signature of his father. The sale deed does not bear thumb impression of plaintiff's father. Therefore, the sale deed is void. The amendment would not change nature of the suit. The amendment is necessary to decide real controversy between the parties. Amendment would not cause prejudice to the defendants as they have opportunity to file additional written statement. Trial is not yet commenced. Therefore, the application deserves to be allowed. Hence, following order;

O R D E R

1. Application is allowed subject to cost of Rs. 300/- (Rupees three hundred only) to defendant No. 2 and Rs. 200/- (Rupees two hundred only) to State.
2. The plaintiff shall carryout amendment within 14 days from

... 2 ...

today and file amended copy of the plaint.

Place : Vaduj

Date : 16.09.2017

(M. B. Kudte)

3rd Jt. Civil Judge, Junior Division, Vaduj

(S.M. Bondarde), Stenographer