

R.C.S. No.150/2023
Shrirang Vs. Subhash & Ors.

ORDER BELOW EXH. 31

Plaintiff filed this instant application under Order VI, Rule 17 of the Code of Civil Procedure to make amendment in the plaint. I read application and reply filed by defendants. Perused the record.

2. Plaintiffs filed this instant application and submitted that, plaintiffs filed this suit against all defendants for partition and separate possession of the suit property. Plaintiffs inadvertently inserted the surname of defendant no. 13 as of 'Shedge' instead of 'Shinde'. Plaintiffs want to add surname of defendant no. 13 as Shinde. Therefore, plaintiffs prayed to make an amendment in the plaint.

3. On the contrary, defendants opposed to this application on the ground that, plaintiffs deliberately inserted the surname of defendant no. 13 as Shedge intending to prolong this matter and therefore, prayed to reject the application.

4. It appears that, no any defendants filed their written statement till today. The trial of the suit has not commenced till today. Therefore, no prejudice will be caused to defendants, if amendment application is allowed. Plaintiffs are not claiming any other relief. The nature of the suit will not be changed, if the application is allowed. I found substance in the application.

Accordingly, I proceed to pass the following order,

ORDER

1. Application is allowed.
2. Plaintiffs are permitted to make necessary amendment in the plaint as claimed, till next date otherwise this application shall automatically stands rejected.
3. Plaintiffs are further directed to file amendment copy of the plaint till next date.
4. Both the parties are directed to take note of it.

Vaduj
Date: 27.11.2023

(D.D. Fulzele)
Civil Judge Sr.Dn., Vaduj.