

R.C.S.No. 59/10  
Dattatrya Bhanushali/  
Khatijaben Bohari

**Order below Exh.55**

1] Defendants moved this application under order VI rule 17 of the C.P.C. for the amendment in counter claim. Perused the say filed by the plaintiff vide Exh.59.

2] Ld. Counsel for the defendants submitted that it is necessary to amend counter claim in para 20, 36 and 37 for deciding the case on merit. He further submitted that proposed amendment do not change the nature of suit.

3] Ld. Counsel for the plaintiff submitted that said facts have been already known to the defendants and proposed amendment will change the nature of suit, hence application be rejected.

4] On perusal of record and considering argument advanced by the parties in my view proposed amendment do not change the nature of suit and it will not caused prejudice to the plaintiff and it is necessary for adjudication of the case. Hence in the interest of justice I pass following order.

**ORDER**

- 1] Application is granted at the cost of Rs.700/-(Rs. Seven Hundred only).
- 2] Defendants to carry out the amendment.

Shahapur .  
Dated: 15/02/2016

(A.S. Badgujar)  
C.J.J.D., Shahapur.