

ORDER BELOW Exh.11

Heard : Ld. Adv. Mr. R.C.Zamare for the appellant.
Ld. Adv. Mr. D.M.Kale for the respondent No.1.

1. This is an application under Order 6 Rule 17 of Civil Procedure Code, 1908 for carrying out of amendment in Misc. Civil application.

2. Learned. Adv. Mr. Zamare has submitted that the quantum of compensation and damages needs to be amended and enhanced.

3. Per contra, learned Advocate Mr. D.M.Kale for respondent No.1 has opposed the application on the ground that the appellant is misconstruing the provisions of the relevant Acts like the Land Acquisition Act, Indian Telegraph Act and Indian Electricity Act. The appellant should not be allowed to enhance the compensation amount at the appellate stage.

4. The appellant has sought to carry out the amendment as prayed for in the application and primarily to enhance the compensation/damages. It is not averred as to why the enhanced amount as mentioned in the amendment application was not prayed for earlier. However, if the amendment is allowed, it will cause no prejudice to the respondent since they will be permitted to make their submissions and/or file additional reply if necessary. In view thereof, I am inclined to allow the application in the interest of justice in terms of the following order.

-ORDER-

1. The applications is allowed.

2. The appellant is allowed to carry out the amendment as mentioned in the application within one week from today.
3. Application is disposed of accordingly.

Dt. 06/10/2018.

(Mridula V.K. Bhatia)
District Judge-3, Wardha.