

ORDER BELOW EXH. 111

This is an application preferred by defendant no.6 under Order 6 Rule 17 of the Code of Civil Procedure. By way of amendment he wants to correct the area of land as 0.78Ars in place of 0.63Ars. According to him, the potkharab 0.15Ars land is inadvertently is not included therein.

2] Plaintiff opposed the application on the ground of commencement of evidence. According to him, no reason is given for effecting such amendment.

3] Heard both sides.

4] Perusal of the record shows that the plaintiff in his plaint and defendant nos.1 to 5 mentioned the area of alleged land as 0.78Ars. Hence, the proposed amendment does not change the nature of the suit. It is merely a clerical mistake. It is settled law that no hyper technical and pedantic approach should be taken while considering the amendment application. Liberal approach is the general rule. The proposed amendment is necessary to determine the real controversy between the parties. Hence, I pass the following order.

ORDER

1) Application is allowed.

2) Defendant no.6 to carry out the proposed amendment on or before next date.

Sd/-

(P.H.Nerkar)

Jt. Civil Judge (S.D.), Washim.

Date 20/02/2019

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per original judgment.

- 1) Name of Stenographer :- R.K,Pawar Stenographer
- 2) Name of Court :- Jt.Civil Judge (S.D.), Washim.
- 3) Date :- 20.02.2019
- 4) Order signed by the :- 20.02.2019
presiding officer on
- 5) Order uploaded on :- 21.02.2019