

ORDER BELOE EXH.40

1. This is an application filed by plaintiff for amendment of plaint.
2. I have perused the application and heard both parties.
3. The plaintiff has submitted that at the time of institution of the suit he was in possession of the suit property. After rejection of temporary injunction he is dispossess by the defendants and defendants took possession. Therefore, the plaintiff want to amend in title clause for separation of share. He also wants to amend in para no.4(a) that after rejection of temporary injunction the defendants have taken possession of the suit property and for the year 2016-2017 the defendants are sowing and taking crops in the property. The plaintiff want his share. The plaintiff also wants to insert the amendment in para no.7(a) in respect of cause of action, limitation and payment of court fees. The learned advocate for the plaintiff has further submitted that the plaintiff also want to amend his plaint in respect of mesne profit. The above proposed amendment are essential for the just decision of the suit. Hence prayed for grant of application.
4. On the other hand the learned advocate for the defendants have opposed the application on the ground that the application is false and malafide. It is filed at belated stage. Hence, prayed for rejection of the application.
5. After hearing both the parties the Court has gone through record of the suit and legal provision of Order 6 Rule 17 of C.P.C. The record shows that the plaintiff has instituted the present suit for

cancellation of sale-deed and partition. It also appears that the evidence of the plaintiff yet not commenced. It appears to the Court that the proposed amendment are essential for the final adjudication of the dispute. It will not cause prejudice to the defendants. The Court may grant permission to allow the amendment in the pleading at any stage of the suit. Considering this legal provision and submission made by the both parties, the application is liable to be allowed. Hence,I proceed to pass following order.

ORDER

1. The application below Exh.40 is allowed subject to costs Rs.250/-
2. The plaintiff shall carry out the proposed amendment within 14 days from the date of this order.
3. The plaintiffs shall file copy of amended plaint.

Dt:-03/7/2017

(M.R.Panad)
Civil Judge (Jr.Dn.)Mangrulpir