

ORDER BELOW EXH.14 IN R.C.S. NO. 26/2020.

1] This is an application filed by applicant/plaintiff under Order 6 Rule 17 of the Code of Civil Procedure. But defendants strongly opposed the application by filing say.

2] It is contended in the application that there is clerical and typing mistake in the plaint. In the plaint it is wrongly mentioned that suit property is situated at village Bitoda Bhoyar instead of village Kasola. Therefore, the same is required to be corrected. Thus, the permission has sought to amend the application thereby to correct the place where the suit property bearing gat no. 162 is situated.

3] Read the application and say. Perused record. Heard learned advocate for plaintiff and defendants.

4] As per provision of Order 6 Rule 17 of Civil Procedure Code, application for amendment is required to be filed before commencement of trial. In the present suit, issues are frame below Exh.13. The evidence of plaintiff is yet to be adduced. The Document produced with list Exh. 04 itself shows that land gat no. 162 is situated at Village Kasola. Therefore, it appears that due to typographical mistake the Village Bitoda Bhoyar is written in the plaint instead of village Kasola. The amendment sought is prima facie in nature. The amendment sought in the present application is corrective in nature, it will not change the nature of the suit. If the application is not allowed, it will defeat the purpose of filing of the suit. Thus, in the circumstances stated above, application needs to be allowed. Admittedly, the application is filed belatedly. The delay

occurred can be compensated by way of costs. Hence, I proceed to pass following order.

ORDER

1. Application is allowed subject to cost of Rs. 300/- payable to the defendants.
2. Plaintiff is directed to carryout the necessary amendment till next date and shall file copies of amended plaint.
3. Payment of costs is condition precedent.

Dated :- 18.02.2025

Sd/-
(Subhash D. Tare)
2nd Jt. Civil Judge (Jr. Dn.),
Mangrulpir.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/ Order are same word to word as per the original order.

Name of Court :- 2nd Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.

Presiding Officer :- Subhash D. Tare

Judgment uploaded by :- A. B. Padole (Stenographer L.G)

Date of Judgment :- 18.02.2025

Judgment/Order signed by the presiding officer on :- 18.02.2025

Judgment/Order uploaded on :- 21.02.2025