

ORDER BELOW EXH. 18 IN RCS NO.26/2020

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

2] It is contended in the application that, in the para No. 02 of the plaint inadvertently the direction of common boundary and the land in possession of defendant wrongly mentioned. Further, the name of the village is also wrongly mentioned in the para No. 02 of the plaint. Therefore, plaintiff proposes to amend the plaint by deleting earlier para No. 02 of the plaint.

3] Defendants opposed the application by filing say. As per their say application filed at belated stage after framing of issues. It is not tenable. If allowed, the heavy cost be granted.

4] Read the application. Perused record. Heard learned advocate for both sides.

5] 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 framed. However, affidavit of evidence of plaintiff is not filed on record. Thus, trial of the suit is not commenced. It is specifically contended in the application that inadvertently the common direction of the boundaries is wrongly mentioned. Application is supported with affidavit. Further, in para No. 01 of the plaint, it is stated that, the suit property is situated at village Kasola. However, in para No. 02 of the plaint, it is written that the suit property is at Bitoda Bhoyar.

6] The amendment sought in the present application will not change the nature of the suit. If the application is not allowed, it will defeat the purpose of the suit. Admittedly the application is filed after filing of the written statement by defendants. The delay occurred can be compensated by way of costs. Thus, in the circumstances stated above, application needs to be allowed. Hence, I proceed to pass following order.

ORDER

1. Application is allowed subject to costs of Rs.500/- payable to defendants.
2. After payment of costs, plaintiff is permitted to carryout the necessary amendment.
3. Payment of costs is condition precedents.
4. Payment of costs be paid/deposit on or before next date.
5. If plaintiff failed to pay/deposit costs, this application stands rejected.
6. Plaintiff is further directed that to file copies of amended plaint.

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

Dated :- 17/11/2025

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 :- R.T. Sharma (Junior Clerk)

Date of Judgment :- 17.11.2025

Judgment/Order signed :- 17.11.2025
by the presiding officer
on

Judgment/Order :- 17.11.2025
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