

Order below Exh.12

- 1] Perused the application. Heard both the sides.
- 2] Perusal of the application shows that the claimant is seeking the amendment in respect of hike in compensation of the fruitful trees. He is claiming the hike in compensation in respect of 100 Sitafal trees and 25 Mango trees and wants to make the amendment in respect of prayer clause. Earlier he has claimed rupees twenty three lakh. Now the wants to claim Rs.39,47,882/-. The other side has opposed the application in strong words and prayed that there is question of limitation.
- 3] In this case the claimant is claiming hike in compensation in respect of fruitful trees. The amendment is not going to change the nature of the suit. The claimant is only claiming the higher amount in respect of trees which can be allowed. The counsel for claimant Shri. Bhingare filed the citation of *Ambya Kalya Mhatra (D) By Lrs. & Ors vs. State of Maharashtra reported in 2011 SAR (Civil) 879 Supreme Court* wherein the Hon'ble Apex Court held that the reference court can permit a claimant to amend his claim. The bar of limitation will not apply even if the amount is specified in application for reference and a higher amount is sought by way of amendment. So it is clear that the hike in compensation can be made and there is no limitation. Therefore, I am of the view

that the amendment should be allowed. Hence, I proceed to pass the following order.

ORDER

- 1] The application stands allowed.
- 2] The amendment proposed be carried out within 14 days.

Dt. 06/01/2020

Sd/-
(V.S.Khot)
Civil Judge (Senior Division),
Mangrulpir.

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 :- Civil Judge (S.D.), Mangrulpir.
- 3) Date :- 06/01/2020
- 4) Order signed by the presiding officer on :- 08/01/2020
- 5) Order uploaded on :- 08/01/2020