

ORDER BELOW EXH. 32

1. By way of present application the plaintiff seek relief of amendment in the plaint on the background that the defendants have fallen down the east-west wall of 14 feet and northern side wall of 15/2 feet and removed the tins and wooden ballies of wall of the house of plaintiffs during the pendency of suit and therefore plaintiffs suffered the loss of Rs. 40,000/- By way of proposed amendment the plaintiffs want to brought on record subsequent development happened during the pendancy of suit. The plaintiff contended that the proposed amendment will not change the nature of the suit and will not cause any loss to the defendant. Hence, plaintiff prayed for allowing the application.

2. The defendants opposed the amendment application and denied each and every adverse allegation made against them in the application. They submitted that they are residing in the suit house. They further contended that walls were fallen down due to heavy rain in rainy season and its materials were removed by them as their neighbours raised objection that road was blocked. They also contended that the present application is not tenable and hence prayed for rejection of the application.

3. Heard learned advocates for both the parties. I have gone through the pleading of both the parties. It is well settled principle

of law that, while deciding the application for amendment of the pleadings, the Court cannot go into the question of merits of such amendment. Hence the contention of defendant about falsity in propose pleading of plaintiff cannot be considered at this stage of matter.

4. In my opinion the propose pleadings will not change the nature of suit. By way of proposed amendment the plaintiffs wants to brought on record only subsequent events and developments. No prejudice will be caused to the defendants if the proposed amendment will be allowed. The defendant will have opportunity to meet out the case of plaintiff during trial including cross-examination of plaintiff and his witnesses. In view of above discussion, circumstances and reasons stated here in above I am of the view that, application needs to be allowed and hence, I proceed to pass the following order.

ORDER

1. Application Exh.32 is hereby allowed.
2. The plaintiff do carry out amendment in plaint within 14 days and to place on record amended copy of plaint.
3. No order as to cost.

Karanja.

Dt/-28-06-2017.

(Smt. R. R. Lohiya)
Civil Judge (Junior Division)
Karanja (Lad), District Washim.

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 Stenographer	:	--
Court Name	:	Civil Judge (JD), Karanja.
Date	:	29-06-2017
Order signed by the Presiding Officer on	:	29-06-2017
Order uploaded on	:	29-06-2017