

ORDER BELOW EXH.26

By way of present application, the plaintiff has sought permission for carrying out amendment in the plaint as per order dated 03/12/2019.

2] It is stated in the application that due to inadvertence the amendment could not be carry out within the stipulated period of time. On this ground the permission to carryout amendment is sought.

3] Pursuant to filing of application, the say of defendant was called for. The defendant in his reply submitted that, as per O. VI R. 18 the amendment is required to be carried out within the period of 14 days from the date of passing of the order. As the plaintiff has failed to carry out amendment within the said period the application be rejected.

4] Heard both the parties. It is necessary that for giving opportunity to the plaintiff to contest his claim on merits, the permission to carry out amendment as per the order is required to be granted in the interest of justice. A procedural prescription is to facilitate the process of justice, and thus, in the light of above opportunity should be granted to the plaintiff. There has not been an unreasonable delay in carrying out the amendment and the time to carryout amendment has only expired on 17/12/2019 i.e. day before yesterday. The party to the proceeding should not suffer due to inadvertence. It is also pertinent to note that plaintiff is ready to comply with the order by carrying out amendment forthwith, in such

circumstances the opportunity is required to be granted.  
Consequently, I pass following order :

**ORDER**

- 1] The application is allowed.
- 2] The permission is granted to plaintiff to carry out amendment in the plaint as per the order dated 03/12/2019 forthwith and shall file the amended plaint on record on or before 21/12/2019.

(Dictated and pronounced in open Court)

Dated:- 20/12/2019  
Karanja.

(Rohit R. Pande),  
Jt. Civil Judge, J.D. Karanja (Lad).

**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 : V. R. Gurawa (Stenographer Grade 3)

Court Name : Jt. Civil Judge (JD) & JMFC,  
Karanja [Lad], Dist. Washim.

Date : 20/12/2019.

Order signed by the Presiding  
Officer on : 20/12/2019.

Order uploaded on : 20/12/2019.