

**RCS. NO. 20/2014**

**Motiram Vs. Ramrao**

CNR No.MHWS09-000237-2014

**ORDER BELOW EXH. 33**  
**(Order Passed On 17/02/2018)**

1. The present suit is posted for dismissal order since 04/11/2017. Today the advocate for plaintiff filed this application contending that the court has allowed the application Exh.31 and directed the plaintiff to amend his plaint accordingly. But the plaintiff was out of station and he could not come to the court. Now the plaintiff is present and intends to deposit the amount and amend his plaint accordingly.

2. The advocate for defendant opposed this application on the ground that the court has passed order below Exh.31 on 06/09/2017 and period of five months has gone. It is further submitted by the advocate for the defendant that as the court has fixed time period of 14 days for carrying out amendment. Hence, he prayed for rejection of the application as the application is not filed within limitation.

3. Heard learned advocate for the plaintiff Shri. R.D.Thakare and learned advocate for the defendant Shri. P.N.Chaudhary.

4. Perused the record. It shows that the court has passed order below Exh.31 on 06/09/2017. Since passing of the order the plaintiff and his learned advocate were absent. Hence, order below Exh.1 is passed and conduct of the plaintiff was noted.

5. Now the plaintiff intends to deposit amount of Rs.400/- as per order below Exh.31 and amend his plaint accordingly. Though the advocate for defendant opposed this application on the ground that this application is filed after 5 months. But I am of the view that in the interest of justice one opportunity has to be given to the plaintiff to amend his plaint as per order

below Exh.31 but at the same time cost is necessary to be imposed on the plaintiff. Hence, I pass the following order.

**ORDER**

1. The application Exh.33 is hereby allowed with cost of Rs.200/- payable to the defendant.
2. The plaintiff is directed to carry out the amendment expeditiously.

**Date:-** 17-02-2018.

**(R. M. Shaikh)**  
2nd Joint Civil Judge, J. D.  
Manora

**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 Clerk :- R.V. Jadekar , Junior Clerk

Court Name :- 2<sup>nd</sup> Jt. Civil Judge (Jr.Dn.) and  
J.M.F.C., Manora. Dist. Washim.

Date :- 17/02/2018

Order signed by the :- 17/02/2018  
presiding officer on

Order uploaded on :- 17/02/2018