

Order Below Exh.No.26

1. The plaintiff has filed this application to make amendment in name of village mentioned in the plaint and T.I. application.
2. Perused application and say filed by defendants. Heard both parties at length. The learned advocate for the plaintiff contended that, due to typing mistake name of the village where suit property situated is wrongly mentioned in the plaint and T.I. application. The name of village wrongly mentioned as Khandala Shinde instead of Shelgaon Khawane. The plaintiff came to know this fact on 30/08/2016 and on the same date plaintiff made this application to correct the name of village. Further it is necessary to decide the real question in dispute.
3. The learned advocate defe no. 2 not objected and prayed to pass the suitable order. Where as the learned advocate for defendant no. 7 and 8 submitted that if the application is allowed then it will change the nature of suit.
4. on perusal of record it makes clear that, the plaintiff has annexed with suit, documents i.e. 7/12 extract, gav namuna no. 8-a, Mutuation entry no. 343, copy of gat no. 117 agricultural land situated at village shelgaon khawane. There is no document on record regarding village khandala shinde. It makes clear that, the plaintiff has made typing mistake in their pleading.
5. As per the provisions of order 6 rule 17 of the civil procedure code. The court has power to allow either party to alter or amend his pleading as may be necessary for the purpose of determining the question in controversy between the parties. Hence I am of the view that it is necessary to bring on record where the suit property is actually located.

The change in name of village will not change the nature of suit. Therefore I proceed to pass the following order.

ORDER

- 1] The plaintiff is permitted to correct the name of village as prayed in application in plaint and application for temporary injunction till next date.
- 2] The plaintiff is directed to carry out the proposed amendment and furnish amended copy accordingly.

Date - 07/10/2016

Sd/-
(A. R. Mukkanwar)
Jt. Civil Judge Junior Division
Malegaon

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 the Clerk	:	P.V.Chavhan, Junior Clerk (Civil).
Name of Court	:	Joint Civil Judge, [Jr.Divn.] & Judicial Magistrate, First Class, Malegaon, Dist. Washim.
Date:	:	07/10/2016.
Order signed by the Presiding Officer on	:	07/10/2016.
Order uploaded on	:	28/04/2017.