

LAR No.16-2013

Shripat vs. State & Ors.

ORDER BELOW EXH.24

The present application filed by the petitioner for amendment in the petition under order-VI, Rule-17 of Civil Procedure Code.

2. The petitioner submitted that, the Hon'ble Bombay High Court, Bench Nagpur has pleased to pass order in First Appeal No.47/1998 on 05/10/2016, the said judgment is applicable to the case in hand. Hence, the petitioner wants to amend the petition in respect of the quantum of compensation. Hence, this application.

3. By filing say, the respondent objected the application and submitted that, the facts of the case before the Hon'ble High Court and the case in hand are different, therefore, the judgment passed by the Hon'ble High Court is not applicable to the case in hand. Hence, the present application is liable to be rejected.

4. Perused the application and say filed by Ld. AGP for State. Heard Ld. Advocate Shri N.P. Ingole for petitioner and Ld. AGP Shri A.P. Rathod for respondent no.1 and 2.

5. It is the matter of record that, the present petition filed by the petitioner for enhancement of compensation amount. It is also part of record that the house property of the petitioner is

acquired by the Arunawati Project. The petitioner seek to amend the petition in respect of enhancement of his claim as per the judgment passed by the Hon'ble High Court. On perusal of Exh.1 and the present application, it appears that, the amendment is in tune with the original pleading. It will not change the nature of petition. In my opinion the amendment sought by the petitioner is required to decide the dispute between the party. Hence, in the interest of justice, I proceed to pass following order;

ORDER

- 01 Application is allowed.
- 02 The petitioner is permitted to amend the petition as sought in the application.
- 03 The petitioner shall pay the required court fee on the enhanced claim.
- 04 The petitioner shall carryout the amendment and shall supply copies of amended petition within stipulated period.
- 05 The application is disposed of accordingly.

Date : 05/12/2025

(Smt. C. R. Umredkar)
2nd Jt. Civil Judge (Sr. Dn.),
Darwha