


CNR-MHYA110000182015 	Reg. Civil Suit No.55/2015 (Gitabai Sonune Vs. Dr Rajendra Sonune and 2)
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**ORDER BELOW EXH.120**

(Date : 10.09.2025)

This is an application filed by defendant no. 1A & 1B for amendment under **Order VI Rule 17** of the **Code Of Civil Procedure** in written statement (Exh. 115). Application is supported by affidavit.

2. Defendants no. 1A & 1B filed the present application and contended that, plaintiff filed suit for recovery of possession. It is contention of defendants that, they have filed their written statement at Exh. 115. At that time of filing written statement they could not get detail information about the suit. Therefore, they want to amend in title clause of written statement (Exh. 115) as RCS No. 55/2016 in place of RCS No. 55/2015 and also add proposed amendment in para No. 19 of the written statement (Exh.115). If amendment granted then nature of defence of defendants will not be change. Hence, they prayed to allow the application.

4. Plaintiff filed her say overleaf the application and contended that, matter is for evidence. Defendants want to prolong the matter. Plaintiff is old aged lady. Hence, she prayed to reject the

application with cost of 10,000/-.

6. As per **Order VI Rules 17 of Code of Civil Procedure**, "*a party may be allowed to amend or alter his pleading at any stage of the proceeding to determine the real question in controversy between the parties*".

7. The suit is for recovery of possession. Defendant no. 1A & 1B wants to amend in their written statement in title clause and para no. 19 as prayed in present application. It is admitted that suit is for evidence. After perusal of record it appears that plaintiffs were not having detail knowledge about suit. Therefore, at the time of filing of the written statement they have not mentioned some of the points. After perusal of application it appears that, proposed amendment which is sought by defendants is permissible at this stage. Thus, proposed amendment is necessary to be brought on record for the purpose of determine the real question of controversy between the parties. At the outset, proposed amendment does not change the nature of defence of defendants. No hardship would be cause to the plaintiff, if amendment is allowed. In fact, refusal of this application would cause irreparable loss to defendants. Proposed amendment if allowed, it would avoid the multiplicity of the proceeding. Hence, I proceed to pass following order-

### **Order**

1. Application is allowed subject to cost of 500/-.

2. Defendant no. 1A & 1B are permitted to carry out proposed amendment in title clause and Para No. 19 in written statement (Exh. 115) as mentioned in this application within 14 days from today and to file amended copy of written statement.

3. Cost in cause.

Date:-10.09.2025.

( R.A.A.Khatib )  
Civil Judge Jr. Dn. Umarkhed.

**CERTIFICATE**

I affirm that the contents of this [P.D.F.](#) File order/judgment are same, word to word, as per the original order.

Name of the Stenographer	A. A. Dake
Name of Court	Smt.R.A.A.Khatib, Jt. C.J.J.D & J.M.F.C. Umarkhed
Date of Dictation	10.09.2025.
Judgment signed by the P.O. on	10.09.2025.
Judgment uploaded on	11.09.2025.