

MHRG040002322010 	Spl. C. S. No. 132/2010 Brij Bhushan Shivshankar Gupta & Ors. Vs. Manohar Namdeo Kadu & Ors.
---	--

Order passed below Exh. 85

01. This is an application filed by the defendant under O. 6 R.17 of CPC.
02. Perused application and say.
03. Heard Ld. Advocates for both side.
04. On the rival contentions of both sides, I have framed following points for consideration and my findings thereon as follows;

Sr. No.	Points for consideration	Findings
1.	Whether proposed amendment in the written statement is necessary for final adjudication of the suit?	In the affirmative.
2.	Whether defendant is entitled for the relief of amendment as prayed?	In the affirmative.
3.	What Order?	As per final Order.

REASONS

As to Point No. 01 & 02

05. Both points are dependent on each other. Therefore to avoid the repetition of reasons, both are discussed collectively.
06. After hearing both sides and on perusal of record and proceeding, it appears that the plaintiff had carried out

amendment in plaint in respect of date of execution of receipt which was earlier shown executed on 14/10/2009 and subsequently amended as executed on 07/11/2009. In pursuance of said amendment the defendant prayed for consequential amendment in the written statement, more particularly wherever in para No. 03, 07 & 08 date 14/10/2009 is written, prayed to permit him to amend with as 07/11/2009.

07. Considering the reasons for amendment, it appears that the proposed amendment is necessary for the final adjudication of the suit. At the very same time another aspect of long standing delay for filing said application is required to consider. Moreover he further appears that the defendant failed to take opportunity to file additional written statement, when plaintiff carried out amendment in his pleading. In these circumstances, though the defendant is entitled to carryout amendment in the written statement, but due to long standing delay he has to compensate the plaintiff. Consequently, I am answering point No. 01 & 02 in the affirmative and in answer to point No. 03, I proceed to pass following order;

Order

01. Application is allowed, subject to cost of Rs. 5000/- to be paid to the plaintiff on or before next date.

02. Defendant is hereby directed to carryout

amendment forthwith and file amended written statement within 7 days thereafter.

03. Non compliance of order within stipulate period will amount to vacate the order.

Date :14/07/2026
Place :Panvel

(R. N. Chavan)
6th Joint Civil Judge; Sr. Div,
Panvel.