

**ORDER BELOW EXH.36**

(Passed on this 06/09/2024)

The plaintiff has filed this application for amendment of plaint vide Order VI Rule 17 of the Code of Civil Procedure (for short 'the Code').

2. In short, it is application of the plaintiff that, the plaintiff wants to cancel agreement of sale dated 07/10/2011. But, it was wrongly typed as 04/05/1991. Therefore, the plaintiff wants to delete the date 04/05/1991 and insert 07/10/2011. It will not change the nature of suit. No prejudice will be caused to the defendant and prayed to allow the application.

3. Say of the defendants is called. Defendant No.1 strongly opposed the application contending that trial of the suit is commenced as the court has framed the issued vide Exh.35. The application is filed only to prolong the hearing of the suit. There is mistake in the application. Hence, the plaintiff has to amend the application first and then pray for amendment in the plaint and prayed to reject the application.

4. Heard both the learned advocate for the parties. Perused the record of the case. It is matter of record that the plaintiff wants to cancel agreement dated 07/10/2011. But, he has prayed for cancellation of sale deed dated 04/05/1991 which appears to be bonafide mistake crept in the plaint. Hence, for the purpose of determination of real question in controversy that amendment needs

to be allowed. It will not change the nature of suit. No prejudice will be caused to the defendant though the amendment is allowed. On the contrary if the application is rejected, prejudice will be caused to the plaintiff. Hence, it is legal and proper to allow the plaintiff to amend the plaint. Hence, the order.

ORDER

1. The application is allowed.
2. The plaintiff is permitted to amend the plaint as prayed.
3. The plaintiff do amend the plaint and file copy of amended plaint on record within 14 days.
4. The defendants are at liberty to file additional written statement, if any.
5. The costs of the application to follow the event.

Date : 06/09/2024

Place: Amravati.

(Pandharinath D. Zambre)

Civil Judge (Sr. Dn.)

Amravati