

ORDER BELOW EXH.27 IN SPECIAL CIVIL SUIT NO.13/2023

CNR No.MH020002012023)

(Sunil Manohardas Joshi Vs. Savita Mohandas Jagtani)

1. This is an application for amendment in reply to the application for rejection of plaint.
2. It is contended in the application that this court has permitted to carry out amendment in the application (Exh.16). Thus, it is necessary to carry out consequential amendment in the reply to the said application. Accordingly, the plaintiff has prayed to allow the application.
3. The defendant has strongly opposed the application contended that the application is not maintainable as there is no provision to grant the permission to advocate to carry out amendment on behalf of the party. Lastly, she has prayed to reject the application.
4. Heard, Ld. Advocate for the respective parties. Thus, the court has granted the application (Exh.16) to amendment in the application for rejection of plaint to the extent of inserting the words “does not” in Para 13. Consequently, the plaintiff has got right to amend his reply to the extent of such amendment. Procedural law is hand made of justice and not mistress. The plaintiff shall not suffer only because of procedural practice. The plaintiff shall get an opportunity to defend the application in all respect. Considering such aspects, the opportunity needs to be granted to the plaintiff, no any prejudice would be caused to the defendant. Merely, cause of amending the reply to the application for rejection of plaint. Thus, application deserves to be allowed. Consequently, I proceed to pass following order.

ORDER

1. Application (Exh.27) is allowed.
2. Plaintiff is permitted to carry out necessary amendment

in his reply (Exh.20) to the extent of insertion of words
“does not” in Para 13 of reply.

3. Cost in cause.

(Order dictated and pronounced in the open Court.)

Date :- 25.04.2023.

(**A. C. Doiphode**)
6th Jt. Civil Judge S. D., Thane.