



R.C.S. No. 1/2018
Namdeo Vs. Dawaloo & ohrs.

Order Below Exh. 19

This is an application filed by the plaintiff under Order VI Rule 17 r/w. Sec.151 of Code of Civil Procedure, 1908.

2] The plaintiff submit that due to non-availability of proper Talathi map of Survey Number, the boundary of suit land was wrongly mentioned. Said fact came to know to the plaintiff when he applied for certified copy of Talathi map of suit property. Hence, by this application the plaintiff wants to correct the boundaries mentioned in the plaint. Hence, prayed for grant of application.

3] Defendants by filing say opposed the said application. They submit that the plaintiff has not filed Survey map on record. Hence, prayed for rejection of application.

4] Heard advocate Shri. K.R. Mhashakhetri, for plaintiff and advocate Shri. G.D. Duga, for defendants.

5] Considering the respective rival submissions and available factual matrix, certain points do arise here. Those points along with my findings thereon for reasons recorded thereafter are as under:

Sr.	Points	Findings
1.	Whether the proposed amendment is necessary to resolve the controversy between the parties ?	Yes

2. What order ?

As per final order.

REASON

Point Nos. 1 and 2 :

6] By way of this amendment the plaintiff wants to correct the boundaries mentioned in the plaint of the suit property. According to the plaintiff the said mistake is bona-fide and inadvertent.

7] After perusal of record, it appears that evidence of the plaintiff is yet to be started. Moreover, the amendment has not changed the nature of the suit, as relief claimed is the same and only correction of boundary numbers do not change the nature of suit. Moreover, it is necessary to decide case on merit, the said application needs to be allowed.

8] Hence, following order.

ORDER

- 1] Application is allowed.
- 2] The plaintiff is allowed to amend plaint on or before 17.11.2018.
- 3] The plaintiff is directed to file amended plaint on next date without fail.

Date: 13.11.2018

(Nilesh Prabhakar Wasade)
Civil Judge (Jr. Dn.), Dhanora.
(MHGA 06-2899)