

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 859 OF 2015
IN
SECOND APPEAL NO. 159 OF 2008**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. S. Gokhale for the applicant.

Mr. P. M. Arjunwadkar for the respondent.

CORAM : K. K. TATED, J.

DATED : 23/10/2015.

P.C.:

. Heard learned Counsel for the parties.

2 This application is preferred by plaintiff no.1 for carrying out appropriate amendment in plaint of Regular Civil Suit no. 540 of 2000 which was filed in the Court of Joint Civil Judge, Junior Division, Ichalkaranji, Dist. Kolhapur as per annexure 'D' i.e. draft amendment.

3 The learned Counsel for the applicant submits that by mistake the proper description of the suit property was not given in the plaint. Hence, it is necessary to carry out appropriate amendment.

4 The learned Counsel for the applicant submits that though the description of the suit property given in plaint, by mistake where the property is situated is not stated. He further submits that in plaint in jurisdiction column name of the village, Taluka and District where the suit property is situated is already stated. He submits that in the interest of justice this Hon'ble Court be pleased to allow plaintiffs to carry out appropriate amendment in paragraph 1 of the plaint stating in which village the suit property is situated, Taluka and District place. He submits that if amendment is not carried out, irreparable loss will be incurred to the applicants.

5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application.

6 Hence, following order is passed:

a) Applicant is permitted to carryout appropriate amendment in plaint in Regular Civil Suit no. 540 of 2000 which was filed in the Court of Joint Civil Judge, Junior Division, Ichalkaranji, Dist. Kolhapur.

b) Office is directed to forward papers and

proceeding of the Judgment and Decree dated 05.05.2005 passed by Joint Civil Judge, Junior Division, Ichalkaranji, Dist. Kolhapur in Regular Civil Suit no. 540 of 2000 and Decree dated 10.12.2007 passed by the District Judge-1, Ichalkaranji, Dist. Kolhapur in Regular Civil Appeal no. 252 of 2005 to the Courts below for appropriate amendment.

c) Liberty granted to the applicant to move before the Trial Court/Appellate Court for carrying out appropriate amendment in the Decree.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)