

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11940 OF 2022

Shantilal Purushottam Patil .. Petitioner

Versus

Maharashtra State Electricity
Distribution Co. Ltd. and others .. Respondents

Shri Azizoddin R. Syed, Advocate for the Petitioner.
Shri A. S. Bajaj, Advocate for the Respondent Nos. 1 to 3.

**CORAM : SANDEEP V. MARNE, J.
DATE : 30TH NOVEMBER, 2022.**

FINAL ORDER :

. By this petition, the petitioner challenges order dated 21st September, 2022 passed by the Civil Judge Senior Division, Shrigonda rejecting plaintiff's application at Exhibit 20 in Spl.C.S. No. 01 of 2022 for amendment of the plaint. The only amendment that is sought is to replace the date of incident as 16.09.2016 instead of 16.09.2015. The Trial Court has rejected the amendment application only on the ground that even though the plaintiff noticed the mistake immediately upon filing of the written statement by the defendants, he failed to apply for amendment before filing of affidavit of evidence.

2. Mr. Bajaj, learned counsel appears for the respondents and opposes the petition. He submits that the amendment is proposed essentially to deal with the defence taken by the

defendants in the written statement.

3. I have gone through the plaint as well as application for amendment. It is admitted position that the petitioner has lodged complaint in the police station on 16.09.2015, which itself shows that the incident could not have occurred on 16.09.2016. There appears to be a typographical error in stating the date of the incident. The amendment is necessary for the purpose of determining real question of controversy between the parties. The Trial Court ought to have allowed the amendment without making the petitioner to approach this Court for correction of such a minor typographical error in the plaint.

4. Consequently, the petition succeeds. The order dated 21.09.2022 passed by the Civil Judge Senior Division, Shahda on application at Exhibit 20 in Spl.C.S. No. 01 of 2022 is set aside. Plaintiff's application for amendment at Exhibit 20 stands allowed in terms of prayers made therein. The writ petition is allowed. The amendment to be carried out within a period of four (04) weeks from today. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

bsb/Nov. 22