

R.C.S.No.96/2022
Suresh .Vs. C.E.O.,Nagar
Parishad, Umrer.

ORDER BELOW EXH.31

(Passed on 11/04/2023)

1] This is an application filed under Order 6 Rule 17 of Code of Civil Procedure.

2] It is contention of the plaintiff that, he has filed suit for declaration and permanent injunction for restraining the defendant from illegal demolition of the suit property. At the time of filing of the present suit the plaintiff inadvertently failed to add some technical points in the suit. By way of present application plaintiff wants to amend title clause and para no. 1 of the plaint. No prejudice would cause to the defendant due to the proposed amendment. Hence, prayed for granting permission to amend the plaint.

3] The defendant has filed his say on the back leaf of the application. He has strongly opposed the application and submitted that the proposed amendment is after thought which can not be allowed as being made with intention to rectify. Proposed amendment would change nature of the suit. Hence, prayed for rejection of the application.

4] Perused documents on record. Heard both sides.

5] The plaintiff has filed suit for declaration and permanent injunction. He wants to amend title clause and description of the suit property mentioned in para no. 1 of the plaint. The proposed

amendment is technical in nature. It would not change nature of the suit. No any prejudice would cause to the defendant if application is allowed. It will avoid multiplicity of proceeding in future.

6] It is pertinent to note here that, the present suit is pending for hearing on Exh.5. Argument of defendant on Exh. 5 is completed. On 18.10.2022 my Ld. Predecessor has granted ad interim order against the defendant. The plaintiff is trying to prolong his argument. Considering the over all situation, I do not find it proper to grant 14 days time to carry out amendment. In the result, I proceed to pass the following order :-

ORDER

- 1] Application is hereby allowed.
- 2] Plaintiff to carry out amendment on or before next date without fail and file amended copy on record.

Umrer.
Date : 11/04/2023

(J.M. Mistry)
Jt. Civil Judge (Jr.Dn.),
Umred.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order / Judgment are same word to word, as per the original Order.

Name of the Stenographer : Sau.R.L.Jadhao

Name of the Court : J.M.F.C.,Umrer

Order signed by the P. O. on : 11/04/2023.

Order uploaded on : 11/04/2023.