

Order Below Exh. 33 in R.C.S. No. 70/2014

Plaintiffs have filed the present application for amendment. They submitted that there was measurement of the property and such report is filed on record. So in view of the said report the plaintiffs want to amend the plaint and add some more averments about the report and add some reliefs. Defendant No. 9 and 18 filed say and strongly objected the application. They submitted that the proposed amendment has no reason and it cannot be allowed. The said application is not tenable and the same be rejected.

2. Heard learned advocate S.E. Dange for the plaintiffs and learned advocate S.V. Deshmukh for defendant NO. 9 and 18.

3. Plaintiffs have filed the present suit for fixing the boundaries and perpetual injunction. Record goes to show that plaintiffs had filed application Exh. 21 and requested for measurement of the property. My learned predecessor allowed the said application on 05/12/2014. Thereafter the matter was sent for measurement. The concerned office filed report at Exh. 30 on 08/06/2016. Thereafter the present application came to be filed. It is stated that the proposed amendment is in view of the said report. But it is objected by stating that the proposed amendment is not tenable.

4. The proposed amendment is sought in view of measurement No. 678/2016 carried out by the order of this Court. Thereafter the plaintiffs want to fix the boundaries as per the said measurement. These submissions have been sought to be incorporated

in this amendment. The proposed amendment will not change the nature of dispute and it will necessarily be the same. The objections raised are not in accordance with law and there is no reason to reject this application. Further the issues are not yet framed. So there is no obstacle. Hence the order follows:

Order

1. Application is allowed.
2. Plaintiffs to carry out amendment as prayed and shall file copies without fail.

Rahata
Date : 06/12/2017

(Abhijit R. Solapure)
Jt. Civil Judge Junior Division,
Rahata, Tal. Rahata.