

Order Below Exh.15 in R.C.S. 1240/2017

1. Through this application, the plaintiff is seeking amendment in the plaint vide Order 6 Rule 17 of C.P.C.
2. Perused the application. Say filed to it by defendants.
3. Heard respective Ld. Advocates for the parties at length.
4. It is submission of Ld. Advocate for the plaintiff that there is an obstruction to plaintiff's bore-well at the hands of defendants however, some pleadings to that effect remained to be mentioned in the plaint. By the proposed amendment plaintiff wants to add following pleadings in plaint Para No.10A as under -

'प्रतिवादीने वादीचे बोअरवेलजवळ खड्डा करून बोअरवेल बुजवण्याची कारवाई करू नये'
5. According to plaintiff, the proposed amendment is formal in nature. The proposed amendment will not change the nature of the suit and will cause no prejudice to defendants. For the reasons prayed to allow the application.
6. Per contra, the application is opposed by defendants submitting that the application is false one. The pleadings that plaintiff want to add by way of proposed amendment in plaint was well within the knowledge of the plaintiff. Thereby at this stage, he cannot be permitted to add the pleadings which was already in plaintiff's knowledge. According to defendants, the proposed amendment if allowed, it will change the nature of the suit. For the reason, prayed to reject the application.
7. I have given thoughtful consideration to the rival contention of the parties in the light of their respective pleadings. The present suit is for perpetual injunction restraining defendants from obstructing plaintiff's possession in the suit property bearing there appears of plaintiff's bore-well. By the present application, the plaintiff is just seeking to add some pleadings restraining defendants from damaging plaintiff's bore-well. Thus,

it is seen that the proposed amendment is in continuation of the earlier pleadings. As such the proposed amendment will not change the nature of the suit. On the contrary, if the amendment is allowed, it will avoid the multiplicity of the suit. The proposed amendment will not cause any prejudice to the defendants. In short, the application appears bona-fide. For the reason, I am inclined to allow the application. Resultantly, following order.

Order

- 1) Application is allowed.
- 2) Plaintiff to carry out amendment as sought for within 14 days on payment of cost of Rs.300/- to defendants.

Date : **28/6/2018**.

(P.M. Unhale)
Civil Judge J.D., Rahuri.