

ORDER BELOW EXH.32 IN R.C.S. NO.101/2016

1] Perused the application and say. Heard learned Adv.Kalokhe for the plaintiffs. The defendants and their learned advocate remained absent when called at 03:40 p.m. It seems that the amendment application is filed by the plaintiffs vide Exh.28 was allowed with direction to carry out amendment within 14 days. It seems that plaintiffs failed to carry out amendment and comply the order below Exh.28. The application was rejected. The plaintiffs specifically asserted that due to oversight they failed to carry out amendment. If the order is not set aside it will cause irreparable loss to the plaintiffs.

2] It is worthwhile to mention that initially suit was for relief of perpetual injunction and fixation of boundaries. After measurement in pendency of the suit, the plaintiffs found the encroachment and hence, accordingly, plaintiffs sought possession of encroached area by way of amendment. Therefore, considering the facts and circumstances and to avoid multiplicity of proceedings it is fit case to permit to carry out amendment. No prejudice will cause to defendant is application is allowed. Accordingly, following order.

O R D E R

- 1) The application (Exh.32) is hereby allowed.
- 2) The order passed below Exh.28 on 18/01/2018 is hereby set aside on condition that the plaintiffs will carry out amendment on today only and produce amended copy within 14 days.
- 3) Dictated and pronounced in open Court.

Shrigonda.
Date : 27/09/2018.

Sd/-
(K. M. Kayangude)
Civil Judge, Senior Division,
Shrigonda.