

MHAH230008392021



ORDER BELOW EXH.35 IN R.C.S. No. 315/2021

1. Plaintiff filed this application as per order 6 Rule 17 The Code of Civil Procedure, 1908. According to the plaintiff he filed this suit against defendant for measurement and fixation of the boundaries of the suit property and for permanent injunction. At the time of filing of suit plaintiff annexed ruough map of the suit property. Plaintiff filed the said rough map which is wrongly scetched due to error through oversight. Plaintiff want to file correct map. If permitted no irreparable loss will caused to defendants. If application is permitted nature of the suit will not change. If application is rejected plaintiff will suffer irreparable loss therefore, prayed for allow the application and permit him to annex the corrected rough map.

2. Defendant no. 1, 4 and 5 filed their say at Exh. 39 and objected the application. According to defendant no. 1, 4 and 5 plaintiff filed this false application. There is no any reason to file any corrected rough map. To fulfill the lacuna of original rough map. Plaintiff not clarified on which document he want to do correction.

Plaintiff is trying to amend the four boundaries of the suit property by way of filing correcting rough map RCS No. 34/2000 is pending about the same suit property and same parties. Therefore, application deserve to be reject.

3. I heard the Ld. Advocate for plaintiff and defendant. This is a suit for fixation of bondaries and measurement of the suit property and permanent injunction. Rough map is a part of plaint. Issues are not framed yet. Therefore, there is no any embargo to permit the plaintiff to file correct rough map. If application is allowed nature of the suit is not changed. Therefore, application deserve to be allowed. Hence, following order.

:Order:

1. Application at Exh. 35 is allowed
2. Plaintiff is directed to carry out amendment within 14 days and filed amended plaint with corrected rough map.

Place : Shrigonda
Date : 17.03.2026

(R. B. Khawale)
2nd Joint Civil Judge Junior division,
Shrigonda