



RCS No. 115/2023  
Shivdas Vs. Ramesh  
and Anr.  
MHAK060018992023

**ORDER**  
**(Below Exh. 22)**  
**(Passed on 08<sup>th</sup> December, 2025)**

This is an application by applicants under Order VI Rule 17 of the Code of Civil Procedure, 1908 (*for short 'CPC'*) to carry out amendment in the plaint.

2. It is submitted on behalf of plaintiff that inadvertently in Para No. 8 of the plaint, it is mentioned that on 17.05.2017, agreement for sale came to be executed. In fact, it was sale deed and not agreement for sale. Therefore, it is necessary to mention 'Sale Deed' instead of 'Agreement for Sale' in the said para of the plaint.

3. Per contra, defendant filed Say (Exh. 23) contending that plaintiff is seeking amendment in the causes of action. No amendments can be permitted to amend the cause of action. Hence, it is prayed to reject the application.

4. Heard both the sides. Perused the application, Say and documents on record. Considered the submissions.

5. Perusal of record reveals that this is suit for possession and perpetual injunction. Record reveals that the plaintiff has claimed relief of possession and injunction based upon title. He has filed copy of sale deed dated 18.05.2017. Therefore, obviously in the pleading there ought to have been reference of sale deed instead of agreement for sale.

6. So far contention of the rival side that permission to propose amendment would amount to change in cause of action is concerned, I find no substance in this argument. Because, as stated above, the relief claimed by the plaintiff is based upon his title. Per contra, considering suit based upon title, the proposed amendment appears to be necessary in the interest of justice to decide controversy on merit.

7. Undoubtedly, the plaintiff has not yet adduced his evidence. As per settled law, the suit is said to be commenced on the filing of the affidavit of examination-in-chief of the plaintiff. Therefore, no prejudice will cause to the other side if the proposed amendment is permitted. In the result, the application is required to be allowed without any costs. Hence, I pass the following order ;

### **ORDER**

1. The application (Exh. 22) is allowed.

2. The plaintiff shall carry out the proposed amendment in the plaint within 7 days and shall file amended copy of plaint immediately thereafter.

**Sd/-**

Date : 08.12.2025

Place : Akot.

(A. A. Mali)

2<sup>nd</sup> Jt Civil Judge (Jr.Dn),  
Akot, Tq. Akot, Dist. Akola.

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Order/Exh. 22**

**CERTIFICATE**

I affirm that the contents of this P.D.F file Order are same word to word as per the original order.

Name of Stenographer	:	P N. DURATKAR
Court Name	:	2 <sup>nd</sup> Jt Civil Judge (Jr.Dn.) & JMFC, Akot, Tq. Akot, Dist. Akola
Date of decision	:	08/12/2025.
Order Signed by P.O on	:	08/12/2025.
Order Uploaded on	:	09/12/2025.