

**ORDER BELOW Exh. 14**

This is application filed by the plaintiff claiming permission for amendment of pleadings in plaint.

2. It is contention of the applicant/plaintiff that the suit land bearing Gat No.105 situated at village Hivara, Taluka – Parli Vaijnath has been measured and the measurement report is on record in which it is revealed that the defendant not 2 has been found in encroachment from southern side to the extent of 16.50 R over the suit land. Hence, it is necessary to add prayer claiming recovery of possession of the alleged encroached portion. Therefore, application be allowed.

3. I have perused the record. Heard learned advocate of the plaintiff/ applicant. It appears that initially, the suit was filed for deceleration of ownership and permanent injunction. It has been proceeded ex-party against the defendants. It further appears that already, there is pleading in the plaint in respect of encroachment. Only the alleged encroached area was not mentioned. It leads that in the given circumstances, if the application has not been allowed, then there would be further litigation for recovery of alleged encroached portion over the suit land. It is basis principle of law that there should be end of justice. Hence, I am opinion that the application is deserved to be allowed for the purpose of determining the real question in controversy between the parties. Therefore, below order.

CNR No. MHBI130008252019  
R.C.S.No. 101/2019  
Madhukar -vs- Parvati

**ORDER**

1. The application is allowed.
2. The proposed amendment shall be carried out within 14 days from the date of this order.

Sd/-

**(S.B. Ganapa)**

Civil Judge, J.D., Parli V.  
Dist. Beed

Date:- 27.09.2023.

CNR No. MHBI130008252019  
R.C.S.No. 101/2019  
Madhukar -vs- Parvati

**CERTIFICATE**

I affirm that the contents of this PDF file are word to word  
as per original Judgment/Order.

Sd/-  
Akash B. Kabne  
Stenographer Gr-III

**Dictated on** : 06.08.2022  
**Transcribed on** : 06.08.2022  
**Checked & Signed on** : 06.08.2022