

MHBI140005682023



R.C.S.No. 202/2023
Hafij Noormohmad Tamboli + 3
...Vs...
Sureshkumar Motilal Kankariya +
9.

ORDER BELOW EXH. 37
(Passed on this 29/01/2026)

The defendant no. 2 to 5 have moved application for permission to make amendment in their written statement.

2] By way of this application defendants have submitted that, they filed their written statement on record. However, in their written statement at page no. 10 the four boundries at north side inadvertantly not mentioned. By this application they desire to make amendment in their written statement. If the permission to make amendment is given then no prejudice will cause to plaintiff. But if application is rejected then defendants would irreparable loss which could not be compensated in terms of money. If the application is allowed then nature of suit will not change. The application may kindly be allowed.

3] The plaintiffs have filed their say below same exhibit and strongly opposed the application of defendants. They prayed to impose maximum costs upon defendants if application is allowed.

4] I have heard learned counsel for respective parties.

5] On perusal of record it is seen that the suit is instituted for Declaration, partition and Perpetual injunction. The defendants

have moved this application for permission to make amendment in their W.S. The plaintiffs have strongly opposed the application of defendant. It is seen that the proposed amendment is regarding to the mentioning of four boundaries at north side. The issues came to framed in suit. However, the evidence is not recorded yet. The proposed amendment appeared to be purely technical and typographical mistake nature. It can be seen from the record of suit that, the parties have involved their interest in immovable property. In such a situation opportunity to present defendants require to be granted. Otherwise defendants would suffer irreparable loss which could not be compensated in terms of money. The plaintiffs will get an opportunity to lead additional evidence if any at appropriate stage. Therefore, no purpose would be served by rejecting the present application. Hence, I proceed to pass following order-

ORDER

1. Application is allowed subject to costs of Rs.700/- be paid to plaintiffs.
2. Defendant no. 2 to 5 shall carry out amendment in written statement and shall file appropriate copy of amended W.S. within stipulated time.
3. Defendants do fulfill necessary conditions.

Date : 29/01/2026

(K. K. Khomane)
Civil Judge (Jr.Dn.), Ashti

CERTIFICATE

This is to certify that the Presiding Judge has himself typed the Judgment / Order and contents of this copy are correct as per original Judgment / Order. I have duly examined and found to be correct as per the original. The Judgment / Order is uploaded by me after taking it in pen drive as per office order of Hon'ble District & Sessions Court, Beed bearing No./Jud/638/2022, dated 19/09/2022.

Sd/-

U.D.Sasane,
(Jr.Clerk)