



**ORDER BELOW EXH.23-a**

The plaintiff has filed an application for amendment in the plaint under Order VI, Rule 17 of the Code of Civil Procedure.

2. He contended that, he has filed suit for declaration and permanent injunction along with application for temporary injunction. He contended that when he filed suit along with temporary injunction application, due to typographical, clerical mistake and due to oversight, he did not mention certain relief in prayer clause of the main suit and T.I. application as per pleadings. The plaintiff has narrated entire facts in his plaint and T.I. application. Therefore, he prayed to add prayer clause i.e. A1, A2, A3 regarding declaration and B2 regarding permanent injunction. He also wanted to add prayer clause A1, A2 in the temporary injunction application.

3. It is further submitted by the plaintiff that the trial of the suit has not yet commenced. The proposed amendment is as per pleading and same is explanatory in nature. It will not change nature of suit. Hence, he prayed for permission to carry out amendment. Therefore, he filed this application.

4. Defendant did not file say. Heard Ld. Advocate appearing for the plaintiff. Perused documents on record. Following points are arise for determination and my finding thereon are recording for the reasons mentioned below.

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1)	Is plaintiff entitled to proposed amendment ?	...In the affirmative.
2)	What order ?	As per final order.

### REASONS

#### As to Point Nos.1 & 2 :-

5. Perused the application along with pleading. Heard learned advocate for the plaintiff.

6. The plaintiff has filed suit for declaration and permanent injunction. Record shows that, yet issues are not framed in the present suit. Therefore, trial is not commenced. On perusal of the plaint and proposed amendment regarding plaint and T.I. application. It reveals that, the proposed amendment is regarding the facts narrated in the plaint. Perusal of the plaint reveals that already facts in view of the proposed amendment are narrated in the plaint. The plaintiff wanted to add prayer clause regarding the facts narrated in the plaint. Considering facts and nature of the suit, if the proposed amendment is allowed no prejudice will cause to the defendant. He will have opportunity for the consequential amendment. Also the proposed amendment is necessary to avoid further complications and multiplicity of the suit. Further, considering facts of the case, proposed amendment will not change nature of the suit. In the given circumstance, I answer point No.1 in the affirmative and point No.2 accordingly. Hence, I pass the following order-

(3)

R.C.S. No.175/2025  
Dhananjay Bore V/s. Vijay Avhale & ots.

**ORDER**

- 1) Application is allowed.
- 2) Plaintiff is directed to carry on proposed amendment within 7 days from the date of this order.

Date : 13/03/2026

**( T. S. Gaigole )**  
Civil Judge Senior Division,  
Mehkar.

**CERTIFICATE**

I affirm that the contents of this <a href="#">P.D.F.</a> file order is same, word to word, as per the original order.	
Name of the Stenographer Grade II	Balkrishna M. Shilwant.
Court	Civil Judge Senior Division, Mehkar.
Date	13/03/2026
Order signed by the presiding officer on	13/03/2026
Order uploaded on	16/03/2026