

MHJN040001642021



R.C.S. No.15/2021

Sajan Lohare

Vs.

Dhananjay Wakde & Ors.

Order passed below Exh.48(Passed on 18th March 2026)

The present application is filed by the plaintiff under VI Rule 17 of the Code of Civil Procedure for amendment to plaint.

2. According to the plaintiff, the defendants have carried out amendment to the written statement and thereby pleaded that the plaintiff has fraudulently obtained certificate. After said amendment, plaintiff is required to clarify the situation as to the defence taken by defendant. Therefore, plaintiff prayed for addition of paragraph 5-A in the plaint.

3. The defendants have filed say overleaf the application stating that proposed amendment will change the nature of suit and the plaintiff is very well aware about his malafide act. Hence, he prayed for rejection of the application.

4. Heard both sides. It is noted that the present suit has been instituted for the relief of permanent injunction. The defendants, in their written statement, have introduced subsequent pleadings alleging fraudulent conduct on the part of the plaintiff. Such allegations, by their very nature, have a material bearing on the issues involved in the suit and call for an appropriate response from the plaintiff.

5. In this context, and in the interest of ensuring a fair and comprehensive adjudication of the dispute, it is considered just and proper to afford the plaintiff an opportunity to meet the said allegations by way of amendment to the plaint. Denial of such an opportunity may result in

the plaintiff being deprived of placing all relevant facts on record, which could potentially affect the just decision of the case.

6. In view of the above, this Court is satisfied that no prejudice would be caused to the defendants if the amendment is allowed. On the contrary, permitting the amendment would facilitate a more effective and complete adjudication of the controversy between the parties.

In view of above, application deserves to be allowed. Hence, following order.

-ORDER-

1. Application is allowed.
2. Permission is granted to plaintiff to carry out amendment as prayed.
3. Cost in cause.

Date: 18.03.2026

Jt. Civil Judge Junior Division,
Ambad.

CERTIFICATE

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

Name of Steno : S.M. Sapkal

Name of the Court : Jt. Civil Judge (J.D.), Ambad

Date : 23.03.2026

Sd/-

Signature of Stenographer