

R.C.S. No.73/2021

Sau. Maya -Vs- State & Ors.

ORDER BELOW EXH. 88

Read the application. Perused say and documents filed on record.

2. Heard both the counsels at length.

3. This is a suit for declaration and injunction. The application under consideration is filed for amendment in the pleading. It is contended that, the present suit is filed in the year 2021. The land bearing block No. 570 situated at village Tirthapuri Tq. Ghansawangi Dist. Jalna is originally owned by the plaintiffs. The defendants hearing have no concerned with suit property. Despite of the fact, they have filed R.O.R. appeal before revenue authority and thereby trying to obstruct peaceful possession over the suit property. They have challenged the order passed by revenue authorities upto Mantralay Mumbai. All these facts happened after filling of the suit and therefore those are necessary to be brought on record. Hence the present application.

4. Defendants resisted the application by filling reply at Exh. 91. Their contention is that all the facts mentioned in the application for amendment are on record and therefore not necessary to amend the petition. Further it is contented that the application is filed with an ill-motive to drag proceeding and prayed reject the application.

5. Considering the rival pleading of the parties, following points arise for my consideration. I have recorded my findings thereon with reason as under.

Sr. No.	Points	Finding
1.	Whether the proposed amendment is necessary for just decision of the case ?	Affirmative
2.	What order ?	Application is allowed.

Reasons

As to point No. 1 and 2 :-

6. Case of the plaintiff is that they are owner and possessor of the suit property. However the defendants are trying to obstruct their possession by preparing false and forged map with the help of government authorities. The defendants have challenged the order passed by revenue authorities up to the ministry of State. They have no concerned with the suit property. Despite of the fact they are trying to obstruct the possession of the plaintiff continuously.

7. It is seen from the record that the present suit was filed in the year 2016 before Hon'ble Civil Judge Senior Division Jalna and then it was transferred to this court in the year 2021. Considering the number of proceedings and date mentioned by the plaintiffs in the suit it is seen that the revenue proceedings came to be filed subsequently. The proceedings are related to the suit property and therefore, being subsequent facts those are needs to be brought on record. It is a matter of record and therefore no prejudice will be caused to the defendants, in case application for amendment is allowed. Further there is less possibility if change of nature of the suit by proposed amendment. Hence in view of above discussion I answer

point No 1 in affirmative and answer to point no. 2 following order is passed.

ORDER

1. Application Exh.88 is hereby allowed.
2. Plaintiffs are directed to carryout necessary amendment on or before next date.

Date :- 03/01/2026

(Shri. V. C. Gawai)
Civil Judge (S.D.),
Ambad.

CERTIFICATE

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

Name of Steno : A. S. Joshi
Name of court : Civil Judge(S.D.) Court, Ambad
Date of PDF : 03.01.2026.

Sd/-
Steno