

MHJN060005652018

**ORDER BELOW EXH.35**

Present application is filed by the plaintiff with the prayer to permit him to amend the plaint in consonance with the report of court commissioner dated 07.12.2022. To the said application defendants objected by filing say overleaf.

02. Perused the application, say and record of the case. Heard learned advocate for both parties.

03. Original suit is filed for the relief of removal of encroachment. To aid the said relief court commissioner was appointed by passing order below Exh.16. In compliance of said order court commissioner filed his report at Exh.21 on 24.01.2023.

04. In view of said report dated 24.01.2023 plaintiff wants to amend the plaint. Therefore, considering subsequent development which has taken place in the proceeding of the suit the material facts coming on record through the report of court commissioner are needs to be taken on record to decide fact in issue.

05. Therefore, considering above mentioned reasons plaintiff is entitle to amend his plaint. Since 24.01.2023 i.e. from the date of filing of report of court commissioner plaintiff took almost 2 year 10 months to file this application, plaintiff is liable to pay costs of present application to the defendants. Accordingly, I pass following order-

ORDER

01. Application is allowed subject to payment of costs of

Rs.1000/- to the defendant no.4A to 4D.

02. Plaintiff is permitted to amend the plaint and add content mentioned in application at Exh.35 in his pleading after payment of costs.
03. Plaintiff to carry out amendment in the plaint and furnish amended copy of the plaint on record on or before next date.
04. Parties to bear their costs.

Date:-21.04.2026

(Mayuresh R. Kale)
Civil Judge Junior Division,
Bhokardan.

CERTIFICATE

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

Name of Steno	:	Smt. S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	21.04.2026
Judgment/order signed by the Presiding Officer on	:	21.04.2026
Judgment/Order uploaded on	:	21.04.2026