

MHKO070007082022



**Regular Civil Suit No. 105 / 2022**  
**Sudam Kambale & oth. Vs. Manohar Kambale & oth.**  
**Order on Exh. 27 ( I/A No. 1/2024 )**

This is an application under Order VI Rule 17 of The Civil Procedure Code for carrying out suitable amendment in the plaint.

**2-** According to plaintiffs, the suit is for declaration of ownership and perpetual injunction. An application for temporary injunction was preferred by plaintiffs alongwith plaint. While filing the suit as well as application for temporary injunction, there was typographical mistake in boundaries of both the suit properties. It was not intentional one, but cause due to typographical mistake and hurry to approach the court. It is formal in nature and will not change the nature of suit at all. Hence this application.

**3-** Defendant Nos. 1-A and 1-B have filed Written Statement at Exh. 19 and contested the suit. Therefore, their version through said Written Statement is considered as say to this application.

**4-** Perused plaint, application as well as Written Statement of defendant Nos. 1-A and 1-B at Exh. 19. Also perused record and proceeding. Heard learned Advocates for both the sides at considerable length.

**5-** At the outset it is necessary to mention that issues are yet to be framed in the matter and as such there is no strict rigor of provisions of Order VI Rule 17 of The Civil Procedure Code

applicable at this juncture.

**6-** It is contention of plaintiffs that there is typographical mistake in plaint as well as application for temporary injunction in boundaries of both the suit properties. According to them, said mistake is typographical mistake and caused due to hurry to approach the court. Written Statement of defendant Nos. 1-A and 1-B filed at Exh. 19 goes to show that they have pointed out said discrepancy in boundaries of both the suit properties. In the light of these facts on record, I am of the view that proposed amendment is necessary for just decision of the suit as well as the same is neither going to change the nature of suit nor it will cause any prejudice to any of the defendants.

**7-** As a result of all the abovesaid, I am of the view that application deserves to be allowed. Thus, following order.

**ORDER**

- 1]** Application is allowed.
- 2]** Plaintiffs to carry out suitable amendment in plaint as well as in application for temporary injunction ; and also to file amended plaint on or before next date.
- 3]** Failure by plaintiffs in compliance in any of the abovesaid will result into nullity of order in the light of provisions of Order VI Rule 18 of The Civil Procedure Code .

Sd/-

( **Anand D. Karbhajan** )

Jt. Civil Judge (Junior Division),  
Jaysingpur, Tq. Shirol, Dist. Kolhapur

Date : 11.01.2024  
Place : Jaysingpur

**Note** - The validity of digital signature of Presiding Officer has expired.

**-: Certificate :-**

I affirm that the contents of the P.D.F. file judgment / order are same, word to word, as per the original judgment / order.

Name of Stenographer	Mrs. Pallavi V. Sasane
Name of Court	Jt. CJJD & JMFC, Jaysingpur, Tal. Shirol, Dist. Kolhapur.
Date of Decision	11/01/2024
Judgment / Order signed by the P.O. on	11/01/2024
Judgment / Order uploaded on	16/01/2024