



**Milind Vasant Mane Vs. Sarpanch, Grampanchayat
Kasaba Sangaon**

CNR - MHKO130005722014

ORDER BELOW EXH. 80 IN R.C.S.No. 120/2014

1. By way of instant application vide Order 6 Rule 17 read with section 151 of the Code of Civil Procedure Plaintiff has prayed for amendment in the plaint on the ground that during the pendency of suit the Defendant No. 4 has constructed a tin shed and ready-made cement compound in the suit property. It is submitted that the act of Defendant No. 4 being subsequent event the proposed amendment needs to be allowed. By way of proposed amendment the Plaintiff has prayed for recovery of possession of suit property by removing the construction made during the pendency of suit.
2. Defendant No. 4 vide his Say at Exh. 81 has opposed the application namely on the ground that the proposed amendment being in the form of mandatory injunction is hit by delay and laches and the law of limitation. Therefore application be rejected.
3. Head learned counsel for Plaintiff and Defendant. Perused the record. On perusal of record it reveals that suit of Plaintiff is for declaration that the Sale Deed bearing No. 1437 dated 20/08/2013 is illegal and not binding on him and for perpetual injunction. Record reveals that on 19/11/2014 the application of Plaintiff for temporary injunction was allowed. Thereafter an appeal was preferred before District Court and the appeal was rejected by order dated 12/03/2015.
4. The proposed amendment is an outcome of the allegations of Plaintiff that Defendant No. 4 has made construction over the suit

property despite the injunction order passed by this Court. Certainly the proposed amendment is a subsequent event and it is necessary so as to decide the real controversy between the parties and for the end of justice. Accordingly the application deserves to be allowed. Hence I pass following order.

ORDER

1. Application is allowed.
2. Plaintiff is permitted to amend the plaint as proposed in the application within the statutory period and supply amended copy of plaint.
3. Defendant No. 4 is permitted to file his additional Written Statement if any.

Kagal
Date:- 08/05/2026

(A.B.Madke)
Civil Judge Junior Division,
Kagal.