

MHKO150000932015



R.C.S.No. 17/2015
Vishal vs. Robert

ORDER PASSED BELOW EXH. 82

This is an application filed by plaintiffs under Order VI Rule 17 of Civil Procedure Code for amendment of pleading.

2. According to plaintiffs, they have filed present suit for permanent injunction. They are the owners of suit property. The defendants have possessed some property. By way of proposed amendment, plaintiffs are wanted to claim possession of suit property on the basis of title. Therefore, plaintiffs wanted to amend plaint and to insert pleading in respect of claiming possession. The plaintiff lastly prayed for allowing the application and prayed permission for amend pleading.

3. The defendants have filed their say. They have denied all allegation, pleading and prayer of plaintiff and strongly objected to amendment application. They lastly prayed for rejection of application.

4. Heard learned advocate Shri. A. S. Farakate for plaintiff and advocate Shri. S. M. Deshpande for defendant.

5. Perused application, say and record.

6. On perusing record it appears that, the plaintiffs have

filed present suit for permanent injunction. According to plaintiff, their right involved in suit property.

7. By way of present application, plaintiff wanted to insert pleading in respect of illegal possession of defendant and wanted to insert pleading of claiming possession from defendant. The proposed amendment is necessary for determining real question of controversy between parties. The proposed amendment does not change the nature of suit. But it is needed for deciding matter. The proposed amendment does not harmful to the defendant. If application allowed then, no irreparable loss will be caused to the defendant. The proposed amendment is necessary for avoiding multiplicity of proceedings.

8. Considering all above discussion I conclude that, the proposed amendment is necessary to determine real controversy between the parties. If application allowed then, no irreparable loss will be caused to the defendant. The proposed amendment does not harmful or prejudiced to the defendant. The commencement of trial was started. Therefore, it is necessary to compensate defendant. In this circumstances, the application needs to be allowed Subject to cost. Hence, I pass following order,

ORDER

1. The application is allowed Subject to cost of Rs. 2,000/- (Rs. Two thousand only) payable to defendant.
2. The permission is granted to the plaintiff for amend pleading accordingly after depositing cost.
3. The plaintiff is directed to carry out amendment within 14 days from depositing the cost.

Date : 31/01/2023.

(S. P. Jadhav)
Civil Judge J.D., Ajara.

Certificate

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

Name of the Stenographer	Mrs. Y.S. Chavan
Name of Court	C.J.J.D. Ajava
Judgment / Order dictated on	31-01-2023
Judgment / Order typed on	31-01-2023
Judgment / Order signed by the P. O. on	31-01-2023
Judgment / Order uploaded on	31-01-2023