


MHKO150004602016 	<u>ORDER PASSED BELOW EXH. 42 IN</u> <u>R.C.S. NO. 99/2016</u> Shankar Savratkar vs. Dhondiba Sutar
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This is an application filed by plaintiff under Order VI Rule 17 of Civil Procedure Code for amendment of pleading.

2. According to plaintiff, he has filed present suit for perpetual injunction. After filing of present suit, the plaintiff wanted to add other defendants in suit and amend plaint. The plaintiff lastly prayed for allowing the application and prayed permission for amend pleading.

3. The defendants failed to file their say.

4. Heard learned advocate Shri. S. R. Powar for plaintiff and advocate Shri. S. M. Deshpande for defendants.

5. Perused application and record.

6. On perusing record it appears that, the plaintiff has filed present suit for perpetual injunction. According to plaintiff, the defendant no. 1 has filed R.C.S. No. 60/2017. In that suit, the Dy.S.L.R. has completed measurement of property. The encroachment found and the legal representative of Tukaram Savaratkar is in

possession of encroached portion. Therefore, the legal representative of Tukaram Savratkar are necessary party to present case and for removal of encroachment plaintiff wanted to add prayer of removal of encroachment.

7. By way of present application and proposed amendment, plaintiff wanted to add parties in suit. The present 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 defendants. If application allowed then, no irreparable loss will be caused to the defendants.

8. The proposed amendment is necessary to determine real question and controversy between the parties. The trial is not commenced. Therefore, application needs to be allowed. Hence, I pass the following order,

ORDER

1. The application is allowed.
2. The Permission is granted to plaintiff to amend plaint accordingly.
3. The plaintiff has directed to amend plaint accordingly within 14 days.
4. Considering peculiar circumstance, there is no order as to cost.

sd/-

(S. P. Jadhav)

Civil Judge J.D., Ajara.

Date : 07/12/2023.

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	J.M.F.C. Ajara
Judgment / Order dictated on	07-12-2023
Judgment / Order typed on	07-12-2023
Judgment / Order signed by the P. O. on	07-12-2023
Judgment / Order uploaded on	07-12-2023