

MHKO160004332020 	ORDER BELOW EXH.59 IN R.C.S. NO.64/2020
---	--

- 1) This application is filed by plaintiff under Order 6 Rule 17 of the Code of Civil Procedure.
- 2) It is contended that, during pendency of the suit, defendants have carried out construction over the suit property. Accordingly, plaintiff want to carry out amendment with respect to the same and adding prayer of mandatory injunction regarding removal of said construction.
- 3) Defendant filed say to the application at Exh. 61 and submitted that the plaintiff has not mention detail above alleged construction. Moreover, defendants have not carried out any illegal construction. If the amendment allowed then nature of suit will change. Therefore, prayed for rejection of the application.
- 4) Heard learned advocates for both sides. Perused the record. It transpires that present suit is filed for partition and injunction. It appears from contentions of plaintiff that suit properties are not partitioned. During the pendency of the suit, defendants have carried out construction. Photographs with respect to the same are on record. Thus, the proposed amendments appears to be consistent with the suit property. It will be appropriate if all the dispute regarding suit property gets decided in a same suit. If present application is allowed,

no prejudice will be caused to the other side. Moreover, the nature of the suit is not going to change by the proposed amendment. Therefore, it will be appropriate to allow the application of plaintiff.

5) Considering the discussions supra, I am of the view that the proposed amendments are necessary for proper adjudication of the case. Hence, following order is passed: -

ORDER

1. Application Exh.59 is hereby allowed.
2. Plaintiff shall carry out the necessary amendment and file amended copy till next date without fail.

Date : 13/08/2026.

Place: Shahuwadi

(P. B. Pawar)
Civil Judge Junior Division,
Malkapur-Shahuwadi, Dist. Kolhapur