

MHKO180000252026

**Regular Civil Suit No.8/2026.**

Sikandar Bandu Mujawar & Ors.

Versus

Mujjamil Mehbub Shaikh & Anr.

Order Below Exhibit 54.

The plaintiff has filed this application for the amendment of the plaint as per Order 6 Rule 17 of the Civil Procedure Code.

02. **The plaintiff's claim in the present application is as under :-**

The main suit is filed by the plaintiff for permanent injunction against defendant No.1. During the pendency of suit, Court Commissioner was appointed to bring on the factual position over the suit property. Accordingly, Court Commissioner had filed its report (Exh.46) which clearly shows the encroachment of defendant No.1 over the suit property. Accordingly, nature of suit property has changed and it needs to be brought on record. Plaintiff now wants to amend his pleadings in plaint and temporary injunction application (Exh.5) in accordance with the findings in the Report (Exh.46). Thus, it is necessary to bring the facts on record to completely adjudicate upon the real question in controversy between the parties. It will not change the nature of suit and would cause no prejudice to defendants. Hence, it is prayed to allow the application.

03. Defendant filed his say (Exh.56) on this application and opposed on the grounds that contents of application are false, illegal and not in accordance with the law. Hence, it be rejected.

04. Perused the application and say. Heard learned Advocates for both sides. Suit is for permanent injunction against defendant restraining him from raising any construction by encroaching over the

suit property. The proposed amendment is about subsequent event that took place during the pendency of the suit. By proposed amendment plaintiff now wants to amend his plaint and application for temporary injunction in accordance with the findings in Court Commissioner Report (Exh.46). By allowing this application the actual nature of suit would not change as it is based on subsequent event. The defendant would be permitted to make consequential amendment so that no prejudice shall be caused to him. Proposed amendment would be essential to determine the real question in controversy. The carrying of amendment shall avoid multiplicity of the proceedings. Even no question of imposing cost shall arise, as amendment sought is for subsequent event. Accordingly, the following order would meet the ends of justice. In result, I pass follows order:-

ORDER

- a) The application is allowed.
- b) The plaintiff is directed to carry out the amendment as prayed within the statutory period.

Place: Kurundwad.
Date : 20/03/2026.

(V. R. Mane)
Jt. Civil Judge Jr. Dn., Kurundwad.