


<u>MHKO190002042017</u> 	<u>ORDER BELOW EXH.31 IN</u> <u>R.C.S. No.1600063/2017</u> <u>(Shri.Tatoba Damodar Adsul etc.2 Vs</u> <u>Shri.Bhikaji Ganpati Adsul etc.3)</u> <u>Date : 12/08/2025</u>
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This is an application(Exh.31) filed by the plaintiffs seeking for amendment in plaint under Order VI Rule 17 of Code of Civil Procedure (in-short C.P.C.).

2. The plaintiff submitted that he has filed the present suit seeking for permanent injunction and mandatory injunction in respect of a road used by him for his ingress and egress to his house in city survey (inshort CS) No.559. He further submitted that while providing the boundaries in the plaint, he inadvertently provided the boundaries of complete CS No.559. He is willing to rectify the same and provide the boundaries of that road. Accordingly he prayed to allow the application.

3. The defendants vide their say on the application submitted that the contents of the application are false. Issues have been framed on 26/03/2018. The plaintiff has filed the present amendment application after almost 7 years. It shows his malafide intention. If the application is allowed it would change the nature of the suit. Hence, they prayed to reject the application.

4. Perused the record. Heard Ld. Advocate for both the parties. Considered the submissions.

5. The suit pertains to mandatory injunction and permanent injunction. The proposed amendment is in respect of boundaries of the property. The plaintiff has sought relief in respect of a way/road used by him for his ingress and egress. However, he has mentioned boundaries of complete CS No.559. Allowing the application, would not change the nature of the suit. Admittedly, the trial has commenced. However, the amendment application demands liberal approach as per directives of Hon'ble Supreme Court.

6. In this backdrop, the application deserves to be allowed. The huge delay so caused by the plaintiff for taking necessary steps at appropriate stage for carrying out the necessary amendment can be compensated by saddling the costs of Rs.500/- payable to defendants. Hence, the following order:

ORDER

1.	Application (Exh.31) is allowed subject to costs of Rs.500/- (Rs. Five Hundred Only) payable to defendants.
2.	The plaintiffs shall carry out the proposed amendment in the plaint on or before next date.

sd/-

Radhanagari

(N. P. Kakade)

Date: 12-08-2025

Jt. Civil Judge Junior Division,

Radhanagari.