

MHLA110003172018



Order below Exh.32 in RCS No.319/2018

Ashok Vs. Babruwan

This is an application filed by plaintiff under Order 6 Rule 17 CPC for carrying out proposed amendment in the plaint by incorporating para No.5-A and 6-A after existing para No.5 and 6, respectively and to add clause No.1-A after existing clause No.1 in the relief para of the plaint, on the grounds stated in the application. Defendants have filed their say and raised objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. By carrying out proposed amendment plaintiff wants to plead some facts which are necessary for just decision of suit and to bring subsequent developments on record. No prejudice will be caused to defendants, if the plaintiff is permitted to carry out proposed amendment as sought. Apart from this, the proposed amendment is also necessary to avoid multiplicity of proceedings. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. Plaintiff is hereby permitted to carry out the proposed amendment in the plaint.
3. Plaintiff shall supply copy of amended plaint to the Court and for defendants at the earliest.
4. Defendants are at liberty to file their additional WS, if any.
5. Plaintiff shall pay requisite court fee in respect of his additional prayer for recovery of possession of encroached area.
6. No order as to costs.

Date : 16/06/2023

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist.Latur.