

MHLA110014462022



**ORDER BELOW EXHIBIT NO.22 IN
REGULAR CIVIL SUIT NO.376/2021
RAFIQ VS. SHAHIN & ORS.**

1. This is an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 for amendment of plaint.
2. Read the application and say filed thereon. Heard the Learned Advocate for both sides.
3. The suit is for recovery of possession and perpetual injunction. The trial is yet to be commenced. Perusal of proposed amendment shows that it is with a view to show real dispute in controversy between the parties and the same is the result of subsequent events occurred after filing of the present suit. The proposed amendment does change the nature of the suit and the said amendment is necessary for determining the real question in controversy between the parties and refusal to permit the amendment would create needless complications at the stage of execution in the event of plaintiff succeeding in the suit. It does not take away the vested right in the nature of any admission and it is not out of limitation. Hence, the proposed amendment deserves to be allowed. Accordingly, the following order.

ORDER

- 1) Application at Exhibit No.22 is hereby allowed.
- 2) Plaintiff is directed to carry out the proposed amendment till next date without any fail and to supply the amended copy of the plaint forthwith after carrying out of the proposed amendment.

Nilanga.
Dt.:- 27/06/2024

(Smt. V. D. Bhosale)
Jt. Civil Judge Sr. Dn., Nilanga.