

R.C.S. No. 697/2022
Manoj Vs. Baburao

:: ORDER BELOW EXH. 22 ::
(CNR NO.MHLA14001662022)

The plaintiffs have made this application under rule 17 of Order VI of the C.P.C.,1908 for amendment in the plaint.

2. The plaintiffs submitted that the defendants have encroached upon their land to the extent of 3 to 4 Gunthas illegally and due to inadvertence they have failed to mention said fact in the plaint. Accordingly, they prayed to allow the application. Learned counsel of defendants strongly opposed the application and they prayed to reject the application.

3. Perused the contents of application and say filed thereon by the learned counsel of defendants. Heard learned advocate for both side.

4. On careful perusal of plaint it is prima-facie shown that there is boundary dispute between the parties. The plaintiffs have specifically mentioned that the defendants have encroached upon their land. Therefore, the proposed amendments are necessary for the determination of real question in controversy between the parties.

5. Further, if this application is allowed then also no injustice or prejudice would be caused to the defendants and also no nature of suit will be changed. Admittedly, no trial is yet to be commenced and the application is within the ambit of Rule-17 of

Order-6 of the Civil Procedure Code, 1908. Hence, considering the nature of proposed amendments and nature of suit, this application deserves to be allowed. Accordingly, I proceed to pass the following order.

:: ORDER ::

1. Application (**Exh.22**) allowed subject to costs of Rs.300/-.
2. Plaintiffs shall carry out the amendment on or before next date and directed to expedite the matter.

Ausa.
Date: 09.05.2024.

(N. B. Rathod)
2nd Jt.Civil Judge J. D., AUSA.