

**RCS No.62/2025**  
**Ramesh Rajurkar -VS- Revaram Khade**

**ORDER BELOW EXH.22**  
(Passed on 01/01/2026)

This application is filed by the plaintiff for amendment of the plaint. Defendant filed say below Exh.23 and resisted the application.

2] Heard Adv. Shri. Jangde for the plaintiff and Adv. Shri. Bhimte for the defendants.

3] The present suit is filed for Declaration and permanent injunction. Plaintiff came with the case that he is the owner of the suit property and defendants' predecessor Bindabai was not having any right or interest in the suit property. Plaintiff further came with the case that some mutations were passed by the Revenue Authorities which creates dispute between the parties and by that mutation the rights to the parties as regards the suit property was actually not come into existence. Plaintiff further came with the case that certain facts are necessary to be added in the plaint. Those are actually necessary to decide the dispute between the parties. Plaintiff further came with the case that the facts are not changing the nature of the suit nor withdrawing any admission nor prejudice to the defendants. Plaintiff came with the case that these facts are actually explanatory in nature as regards the ownership of the plaintiff and his predecessor i.e. his father late Upasrao. Plaintiff further came with the case that these facts are related to the revenue record and therefore, those are required to be added in the plaint by way of amendment. Plaintiff further came with the case that after filing the suit, he came across the revenue

record and some entries were found by them to support the case of the plaintiff. Therefore , some pleadings are required to be added in the plaint. Hence, plaintiff prayed to allow the amendment.

4] Defendants resisted the application and came with the case that plaintiff withdrawing the admissions, plaintiff trying to plead the facts which are not within limitations. Plaintiff further trying to brought on record the facts which are not actually necessary for deciding the suit. Plaintiff by way of amendment changing the nature of the suit and if the amendment is allow, the nature of the suit will be change and the facts which are not within limitation are allowed to be taken within limitation. Plaintiff is trying to destroy the defence of the defendant. Hence, the defendant prays to rejection of the application.

5] I have carefully gone through the plaint, application, say. It is seen from the application that plaintiff wanted to amend the plaint by adding some facts in Para No.5 and Para No.15. The facts are actually seems to be gathered from the revenue records i.e. mutation entry no.27, Plaintiff has not prayed anything in the application for amendment of the prayer in the plaint. Plaintiff has not prayed in his application as regards the adding of the prayer in the plaint.

6] Plaintiff came with the case that his predecessor became the owner of the suit property by way of some mutations or some revenue records. It is the duty of the party to prove the fact which has been asserted by that party. In such circumstances, the amendment sought by the plaintiff is actually explanatory in nature. The amendment does not changes the nature of the suit nor it is withdrawing any admission from the plaint. If the amendment is

allowed, there will be no prejudice to the defendants as they can file their reply to the amendment in the plaint. But if it is rejected, then there will be multiplicity of the proceeding. On the contrary, if any fact bars the plaintiff on the point of limitation then it can be decided while deciding the suit for merit by keeping open the issue of limitation. Hence, considering these circumstances, the amendment sought by the plaintiff is required to be allowed.

7] The present suit is filed by the plaintiff on 09.05.2025. The present application is filed on 30.09.2025. It is mentioned in the application that plaintiff came across some revenue record after filing of suit and the facts mentioned in the application came to the knowledge of the plaintiff. This shows there was no due diligence of the plaintiff while filing of the suit. Hence, the application is required to be allowed by imposing cost on the plaintiff. Hence, considering these circumstances, I pass the following order.

**ORDER**

- 1] The application (Exh.22) is allowed subject to cost of Rs.500/- to be paid to the defendants.
- 2] The plaintiff is allowed to amend the plaint as prayed in the application after payment of cost.
- 3] The plaintiff to file amended plaint on or before next date.

Kamptee  
Date : 01/01/2026.

**(Mohan R. Kamat)**  
Civil Judge, Junior Division,  
Kamptee.