

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.**

**Regular Civil Suit No. 81 of 2023**

Ismail Shaikh and others ... Plaintiffs

Versus

The Collector and others ... Defendants

**ORDER BELOW EXHIBIT – 61**

*(Passed on 17th February, 2026)*

The plaintiffs have filed an application for amendment under O-VII R-17 of the Code of Civil Procedure. Learned counsel for the plaintiff has submitted that, the plaintiffs have instituted the present suit seeking declaration of their ownership rights, removal of alleged encroachment, and a decree of permanent injunction in respect of the suit property. Learned counsel for the plaintiffs has further submitted that, during the pendency of the suit, on 26/01/2026, defendant Nos. 7 to 9 performed Bhoomi Pujan on the disputed site and installed a government signboard indicating the site to be earmarked for a meeting pavilion (Sabha Mandap). It is further alleged that on 28/01/2026, defendant No. 9, along with his workers, visited the suit property, carried out measurements, and commenced preparatory acts by bringing construction material, thereby initiating illegal construction activities on the suit land. The plaintiffs further assert that such acts have caused serious obstruction to their ingress and egress, light, air, and enjoyment of the suit property, and pose a direct threat to their livelihood, as the plaintiffs are dependent upon the shop situated in the said premises.

03. The plaintiffs further submit that despite issuance of statutory notice under Section 80 of the Code of Civil Procedure to the concerned authorities and defendants, no reply or remedial action was taken, though the defendants were fully aware of the pendency of the civil suit and connected proceedings. The proposed amendment seeks to bring on record

these subsequent developments, which are material to the effective and complete adjudication of the real controversy between the parties. The amendment is consequential in nature, does not alter the character of the suit, and is necessary to prevent multiplicity of proceedings, without causing any prejudice to the defendants.

04. On the other hand defendant no.4 and 5 have filed their reply and strongly opposed the application.

05. Heard both the sides. It is to be noted that, the proposed amendment is subsequent developments regarding the suit property after filling of the suit, therefore, it needs to be allowed. Further, if it is allowed, nature of suit will not be changed and no prejudice would be caused to the defendants. Thus, present application is deserved to be allowed. Hence, I pass following order-

**ORDER**

1. The application stands allowed.
2. The plaintiffs are directed to carry out necessary amendment in the plaint and supply copies of amended plaint to each party.

Dated : 17.02.2026.  
Ramtek.

(S.M. Sarode)  
Civil Judge Senior Division,  
Ramtek.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of order are same word to word as per original order.

Sau. R. J. Khobragade, Stenographer(Gr.II)