



ORDER BELOW EXHIBIT NO. 13

1] The plaintiff has filed the present application for amendment of the plaint. It is submitted that after the institution of the suit, the defendants continued their unauthorized construction activities on the open/marginal areas of the suit property, specifically towards the Eastern and Northern sides, which necessitated the current application for amendment.

2] The proposed amendment essentially seeks to incorporate these subsequent events and pray for appropriate reliefs against the new, illegal structures, which are described with reference to a map showing portions marked AB, ABCD, and DEFG. The plaintiff maintains that they were diligent and filed the application immediately upon learning of the defendants' continued unauthorized construction on 15.11.2024. Furthermore, the plaintiff submits that allowing this amendment is necessary for the just and proper adjudication of the matter, will help in minimizing litigation, and will not change the basic nature of the suit or cause any undue prejudice to the defendants.

3] The defendants vehemently oppose the application, characterizing it as a dilatory tactic and an attempt by the plaintiff to introduce a false story and improve their case through an afterthought. The defendants specifically deny the allegations of additional

construction and contend that the proposed amendments are false, baseless, and unnecessary. Hence prayed to reject the application with costs.

4] The settled principle of law regarding amendment of pleadings, primarily under Order VI Rule 17 of the Code of Civil Procedure, 1908, mandates that all amendments necessary for determining the real question in controversy between the parties should be allowed, provided the amendment does not cause injustice to the other side or is not barred by law.

5] In this scenario, the plaintiff is seeking to bring on record facts that have allegedly occurred after the filing of the suit, specifically concerning the defendants' continued alleged illegal construction on the suit premises which is the subject matter of the dispute, which falls squarely within the scope of subsequent events.

6] The subsequent event of new construction merely provides further details of the same alleged illegal activity, justifying the grant of a larger, consequential relief. Allowing the amendment will permit the court to consider the full scope of the controversy in one trial, thus avoiding a multiplicity of proceedings. Whether the plaintiff's allegations of new construction are true or false is a matter for evidence and trial, and at this stage, the court should be liberal in allowing amendments to ensure all material facts are on record. The amendment does not seek to introduce an entirely new cause of action but seeks to elaborate on and provide further instances of the existing cause of action, which is the unauthorized use and construction by the tenant

beyond the demised premises. The plaintiff has also demonstrated due diligence by filing the application soon after acquiring knowledge of the continued illegal activity.

7] Considering the above principles and the facts, I find merit in the application for amendment. The defendants will be at liberty to file an additional written statement to meet the allegations in the amended plaint and will suffer no irreparable prejudice. Hence I pass the following order.

ORDER

1. The application is hereby allowed.
2. The plaintiff shall carry out the necessary amendments in the plaint on or before next date.
3. The defendants are granted leave to file an additional written statement to the amended plaint within fifteen days after receiving the amended copy of the plaint.
4. The costs of this application are fixed at **Rs. 300/-** (Rupees Three Hundred Only) to be paid by the plaintiff to the defendants.

Date : 18.11.2025

[**V. I. Shaikh**]
Jt. Civil Judge J.D., Hingna