

ORDER BELOW EXH.35

Read an application and reply filed by the defendant at Exh.37. Perused the record. Heard the learned counsel for both the sides.

2] The plaintiff filed this application and sought permission to amend the plaint. The plaintiff wants to add para 5A in the plaint. According to the plaintiff, the plaintiff is having apprehension of creation of third party interest in the suit property by the defendants. There has been proceedings between the parties i.e. between revenue authority and police authority with respect to the possession. The defendant with the malafide intention, the defendants their associates learnt to have thrashed the conspiracy to create hurdles and obstructions to the peaceful possession of the plaintiff. Therefore, the plaintiff wants to add para 5A.

3] The learned counsel for the defendants objected to this application on the ground that the plaintiff is not entitled to any relief as prayed. Hence, prayed to reject the application.

4] On perusal of application at Exh.35, it appears that the plaintiff want to add some contents in the plaint regarding permanent injunction. The plaintiff already sought the relief of perpetual injunction. I am of the opinion that no any nature of the suit can be changed if this amendment application is allowed. The evidence of the plaintiff is not commenced till today.

Therefore, I am of the opinion that, it is necessary to allow the plaintiff to amend in the plaint as prayed. Hence, I pass the following order :-

**ORDER**

- 1] The application is allowed.
- 2] The plaintiff is directed to incorporate amendment in the plaint as prayed till next date.
- 3] The plaintiff is also directed to file amended copy of plaint after its incorporation.
- 4] The plaintiff is also directed to pay required court fee as per the Maharashtra Court Fees Act.
- 5] Both the parties to take note of it.

Mouda.  
Dt.22.03.2018

( D. D. Fulzele )  
Civil Judge, Jr.Dn.  
Mouda

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of Judgment are word to word, as per original judgment.

Name of Stenographer        :-     R.K. Shriwastava.