

MHNG170003462015



Reg.Civil Suit. No.33/2015

Vasantabai Zitu Kurutkar

V/s

Vinay Premraj Varman

Order Below Exh.69

(Passed on 25th July, 2024)

This is an application filed by the plaintiff under Order-6, Rule-17 of the Code of Civil Procedure, 1908 (the C.P.C.) for amendment in his plaint.

2. Plaintiff submitted that, the present suit is filed by Vasantabai Jituji Kurudkar, the entire information of the case is given by Vasantabai to the advocate and as per that the plaint was prepared. In the mean time, Vasantabai was died and the plaintiffs being legal heirs of her is brought on record. When, the present plaintiffs has knows about the plaint and documents on record, then they came to know that the area of suit property is not mentioned in the plaint, so the plaintiff filed this application to mention the proper area of suit property in the plaint.

3. Defendant objected the application on the ground that the plaintiff has not filed on record supporting documents in respect of the said amendment. The application filed by the plaintiff is baseless. The present suit is filed by the plaintiff for possession but they have not filed proper document to prove their possession over the suit property. The plaintiff not filed his application within stipulated time. Hence, he prayed for reject the application.

4. Perusal of the record and heard both the side. It appears that the present suit is filed by the plaintiff for declaration, possession of encroach land and permanent injunction against the defendant. On

perusal of the plaint, it appears that the area of the suit property is not properly mentioned by the plaintiff. More so, the present matter is for evidence of plaintiff and the plaintiff filed this application after commencement of trial, but in my view the present amendment is regarding to the area of the suit property, which is not mentioned in the plaintiff, so proper adjudication of the suit the area of the suit property is necessary. However, the plaintiff filed this application on belated stage, so it is proper to allow this application with cost. Hence, following order -

ORDER

- [i] Application (Exh-69) is allowed subject to the costs of Rs.500/- (Rs.Five Hundred only) which is payable to the defendant on or before next date.
- [ii] Plaintiff is directed to carry out the amendment within 14 days from the date of this order and file amended copy of plaint on record.

Bhiwapur
Date:- 25.07.2024

(S. J. Lad)
Civil Judge Junior Division,
Bhiwapur