

MHNG190001562025



**Spl.C.S.No.28/2025**  
(Old No.481/2018)  
Devidas Vs. Tukaram

**ORDER BELOW EXH.NO.35**

(Passed on 13.08.2025)

The instant application is filed by the plaintiff for grant of permission to carry out the amendment order dated 07.08.2024.

2. It is contended by the plaintiffs that, the plaintiffs moved the application under Order VI Rule 17 for amendment in the plaint. The said application was allowed on 07.08.2024. Due to personal difficulty, the plaintiffs were unable to carry out the amendment. On 08.11.2024, the present plaintiffs filed application for grant of permission to carry out amendment. The said application came to be allowed and due to personal difficulty, the plaintiffs were unable to carry out amendment. The plaintiffs want to carry out the amendment in the plaint as per order dated 07.08.2024. Hence, it is urged to allow the application.

3. The Court motion notice was duly served to the defendant vide Exh.36. However, neither the defendant nor his advocate turned to the Court, hence, application is proceeded further without say of the defendant.

4. Record reveals that, the amendment application came to be allowed on 07.08.2024. Thereafter, within prescribed

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period, the plaintiff did not carry out the amendment. On 08.11.2024, the plaintiff sought the permission to carry out the amendment which came to be allowed. However, again the plaintiffs did not carry out amendment within prescribed period and on 07.05.2025 the instant application is moved. The reason of personal difficulty as mentioned in the application is not explained in the application. No doubt, the reason for not carrying out amendment not appears to be just, however, if the plaintiffs are not permitted to carry out the amendment, the plaintiffs would not be able to bring the material fact on record i.e. area of the encroachment allegedly committed by the defendant. Therefore, for proper adjudication of the matter, and to have an opportunity to the plaintiffs, it is just and necessary to allow them to carry out the amendment, but certainly by imposing certain conditions. In the result, I pass the following order:

**ORDER**

1. Application stands allowed subject to costs of Rs.800/-.
2. The plaintiffs shall carry out the amendment within time and in case of failure to carry out the amendment within time, necessary order shall be passed on next date.

Date:- 13.08.2025

Place:-Katol

( M.Z.A.A.Q. Quraishi )  
Civil Judge Senior Division,  
KATOL

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**CERTIFICATE**

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

Name of Stenographer : R. W. Vindane,  
(Stenographer Grade-II)  
Court of Civil Judge Sr.Dn., Katol.