



R.C.S./27/2021

Haribhau Sakharam Zalte Vs. Motiram Tukaram Shinde

ORDER BELOW EXH.30

(Passed on 02/05/2026)

1] This is an application filed by plaintiff for amendment Under Order VI Rule 17 of C.P.C.

2] Perused the application and say. Heard learned counsel for both sides.

3] It is the contention of the plaintiff that, pending this suit the defendant No. 1C, 1N are added and they filed written statement on 25.07.2023. Pending this suit they have sold suit property to Ganesh Vhand. It is the contention of the plaintiff that, pending this suit the defendant has sold the suit property and therefore for necessary amendment in the area of plaint and for addition of party plaintiff has filed this application for amendment in the area of plaint. The defendant has filed say and objected the application. The defendant has prayed to reject the application with costs.

4] The plaintiff submitted that amendment is necessary due to change of circumstances. On the contrary the Ld. Counsel for the defendant opposed application and submitted to reject an application.

5] I have perused the application and say. Amendment sought by the parties ought to be allowed to reduce the litigation between the parties and to avoid the multiplicity of the proceeding. Delay for amendment may be penalize by imposing the cost.

6] This is the suit for declaration and perpetual injunction. Considering the facts and circumstances and the proposed amendment, is not change the nature of litigation. Also every person has right to defend his case on merit. It is also pertinent to mention here that person is bound to make mistake. No one is perfect. However, I am also of this view that, not allowing the application will result into ambiguity. Allowing application would facilitate the court to derive proper conclusion and for proper execution of decree if any. Plaintiff satisfies the test of due diligence. Hence, following order.

ORDER

1. Application Exh. 30 is allowed subject to costs of Rs.1000/- to defendants and Rs. 500/- to TLSC Chandwad.
2. Plaintiff should amend the plaint on or before the next date and file amended copy thereof.

Dated. 02/05/2026

(S.S.CHHALLANI)
Civil Judge (Jr.Dn.)
Chandwad.

CERTIFICATE

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

Name of Stenographer	Namdev M. Shedge
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	02/05/2026
Judgment/order signed by the PO on	02/05/2026
Judgment/order digitally signed by the PO on	02/05/2026
Judgment/order uploaded on	02/05/2026