

MHNS210006702015



Order Below Exh.49

This is an application under Order 6 Rule 17 of the C.P.C. for amendment of the plaint.

Read the application and say filed thereon. Heard Ld.Adv. for both the sides.

I have perused the application and entire case record. The proposed amendment is claimed to add reliefs for possession of encroached portion as pleaded in the application. The application is opposed. However, it is seen that the suit is filed for injunction and the proposed amendment is in respect to the subject matter of the suit. Therefore, the proposed amendment will not changed the basic nature of the suit. So also, if proposed amendment is allowed, it will help to avoid multiplicity of judicial proceeding. Therefore, the reasons for proposed amendment since to be cogent and proper. No prejudice will cause to other side merely by carrying out proposed amendment. Similarly it is well settled that merits of the amendment need not be considered while taking decision on the application filed under Order 6 Rule 17 of the C.P.C. Ultimately I pass following order:

ORDER

1. Application Exh.49 is allowed.
 2. The plaintiff shall carryout the amendment within 14 days and supply amendment copies.
 3. C.O.A.
- Order dictated and pronounced in open Court.

Date : 14.07.2023
Place: Manmad.

(M.T.Kharade)
Civil Judge, J.D., Manmad.