

MHOS100002982017



ORDER BELOW EX. 46 IN REGULAR CIVIL SUIT NO.181/2017.

MEGHRAJ & ORS. V/S. SHILABAI & ORS.

This is an application filed by the plaintiffs for amendment of plaint under order-6 Rule 17 of the Code of Civil Procedure, 1908.

- 2) Heard. Perused the application.
- 3) I have gone through the proposed amendment and the contention of the plaint.
- 4) It is contended by the plaintiffs that the present suit is filed for declaration of ownership, perpetual injunction, recovery of possession of encroached portion and mesne profits. After filing the suit, the suit property was measured by TILR Washi and filed its report along with map. In that measurement it revealed that the adjacent land holders have been made encroachment over suit property to the extent of 0 H. 85 R.
- 5) In the application at hand, by way of the proposed amendment the plaintiff is trying to amend the plaint and to correct the area of encroached portion and add the adjacent land holders as defendant Nos. 4 to 8. Also he trying to amend the plaint as mentioned in the para No. 4 & 5 of the application.

6) Despite sufficient opportunity, defendants have not filed their say to the application. Hence, application proceeded without their say on merit.

7) Heard, the Ld. Counsel for plaintiff Shri. V. V. Undare.

8) The Ld. Counsel for plaintiff Shri. V. V. Undare vehemently submitted that the proposed amendment is necessary for the just decision of the suit. If proposed amendment is allowed it will not change the nature of the suit. No prejudice would be caused if the application is allowed.

9) At the outset, it is necessary to mention here that as stated supra the present suit is instituted by the plaintiffs for declaration of ownership, perpetual injunction, recovery of possession of encroached portion and mesne profits. By way of proposed amendment the plaintiff trying to bring on record the area of actual encroached portion and add adjacent land holders who have made encroachment, on the basis of measurement carried out by the Dy.S.L.R. Washi. Thus, for the reasons stated supra it is necessary to allow the application. No prejudice would be caused to defendant by the proposed amendment. Also if proposed amendment is allowed it will not change the nature of the suit. Thus, for the reason stated supra, in my view the present application as well as the proposed amendment deserves to be allowed. Hence, I pass the following order :-

ORDER

1. Application is allowed.

2. Plaintiff is hereby directed to carry out amendment on or before next date and amended plaint be filed on record.
3. No order as to costs.

Date: 20/02/2026.

(Smt. M. V. Patil-Rathode)
Civil Judge, J.D. Washi.

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	---	A.M.Wagh, Stenographer, (Grade-III)
Name of the Court	---	Civil Court,Washi,Tal.Washi, Dist.Osmanabad
Date or order	---	20/02/2026
Order signed by the presiding officer on	---	20/02/2026
Order uploaded on	---	21/02/2026