

MHOS150008002023 	R.C.S. No. 95/2023 MHOS150008002023 Shaikh Kalim Vs. Chairman, Kalyansagar +4
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ORDER BELOW EXH. 32

1. By this application the plaintiff is intending to carryout amendment in plaint para no.2, and 3 and in para 3 and 4 of temporary injunction application. Perused the application and say filed thereon vide Exh. No. 34. Heard Learned Counsels for both the parties.

2. It is contended by the plaintiff that the boundary on the eastern side of the suit property mentioned in para no.2, and 3 of plaint and in para 3 and 4 of temporary injunction application was wrongly mentioned. Therefore, the said boundary of suit property side is needs to be changed. According to the plaintiff, on the eastern side Khasapuri Dam is located and in plaint on the eastern side land belonging to Shaikh Abdul Shaikh Aehmad is mentioned. According to him, the said amendment is bona-fide in nature. Hence, instant application is being preferred.

3. On the other hand, the Learned Counsel for the defendants opposed the said application vehemently on

the ground that there is nothing on the record to show that on the eastern side of the suit property Khasapuri Dam is located. He further submitted that the present application is false and illegal and as such not tenable as per Order 6 Rule 17 of the Code of Civil Procedure. Thus, they prayed for its rejection.

4. From the record it is seen that the plaintiff has instituted this suit for permanent injunction with regard to suit property bearing field block No.60 admeasuring 1H 62R. The Learned Counsel for the plaintiff filed on record various documents such as sale deeds of bearing No.2290/1983, 275/2003 and 276/2003. The Learned Counsel for the plaintiff also filed on record copy of RCS No. 991/2022 wherein Khasapuri Dam is shown on the eastern side of the suit property. Also, sale deed bearing No. 275/2003 also discloses that on the eastern side land belonging to Shaikh Kalim Shaikh Aehmad and Khasapuri Dam is situated.

5. Moreover, the nature of amendment is technical and no prejudice would be caused to either side, if the application is allowed as nature of amendment appears to be bonafide. The proposed amendment does not change the nature of the suit in any manner. Thus,

considering the reason stated in the application proposed amendment is justifiable. Moreover, while dealing with the applications of amendment, liberal approach is required to be taken. Thus, considering the reason stated in the application, proposed amendment appears to be necessary. Hence, I proceed to pass the following order.

ORDER

- 1) Application is allowed.
- 2) The plaintiff is directed to carry out amendment on or before next date of hearing.

sd/-

(P.S.Thakare)

Date : 07/03/2025

2 nd Jt. C.J.J.D., Paranda

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 the Stenographer	Shri. Pankaj A. Kshirsagar
Name of Court	Shri. P. S. Thakare, 2nd Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	07/03/2025
Judgment signed by the P.O. on	07/03/2025
Judgment/Order uploaded on	07/03/2025