

Order passed below Exhibit 23 in RCS No.113 of 2024

This is an application filed by the plaintiff praying to amend in the plaint.

2. It is contended by the plaintiff that, the plaintiff has filed the present suit against the defendants for removal of encroachment and recovery of possession and perpetual injunction. In the plaint, plot number was mistakenly mentioned as plot No.38 instead of plot No.37. To avoid any technical defect in the plaint, it is necessary and just to rectify plot number in the plaint. Making this correction will not alter the substance or nature of the suit, nor it will adversely affect the defendant's right of defense, hence prayed to allow the application.

3. While defendants filed their say submitting that, they have objection to the application.

4. Perused the application, say, supporting affidavit, documents filed on record.

5. Upon consideration of the pleadings, the application, it is evident that the proposed amendment seeks to rectify the plot number of the suit property. The nature of the suit remains one for removal of encroachment and recovery of alleged encroached portion and perpetual injunction, and the proposed amendment neither introduces a new cause of action nor alters the fundamental character of the suit. Moreover it is clearly seems to be a rectification in respect of typing error only. The amendment appears necessary for the proper and effective adjudication of the real controversy between the parties. Allowing the amendment would avoid multiplicity of proceedings. Hence, the order:

ORDER

I. Application is allowed .

II. The plaintiff shall carry out proposed amendment as mentioned in application at Exhibit 23 within 14 days from the date of this order and then place amended application and it's copies on record.

Place : Pathri
Date : 29.07.2026

Sd/-
(M. S. Quazi)
Civil Judge, J.D., Pathri.