



ORDER BELOW EXH.84 IN R.C.S.No. 94/2022
Ganpat Raghoba Bhikole Vs. Vitthal Kisan Bhondve

1. This is an application Under Order 6 Rule 17 of Civil Procedure Code filed by the plaintiff seeking amendment in the respect of description of suit property and for raising detail contentions as to conveyance taken place between Parvati Dhumal, Pandurang Dhumal and Raosaheb Bhikole. In addition as to the Sale Deed No. 1089/1964. According to plaintiff the basic contentions with regard to conveyance are already record plaintiff wishes to give details as to the same further there is requiremment of detail description of suit property. They earlier engaged of advocate plaintiff inadvertently did no so hence the present application amendment are preferred same be allowed in the interest of matter.

2. The defendant No. 1 to 6 and 8 to 11 filed their say on exh. 84 opposed the application. According to the defendant present application filed with sole retention of causing delay. Defendnats are appeared filed their written statement Exh.5 is here conducted matter is evidence. Now the plaintiff is praying for correction description of property and addition of contentiion conveyance taken place. No due diligence shown by the plaintiff. The application is devoid of merits. Hence the application be rejected.

3. Perused the application. Heard both sides. The present suit is for removal of encroachment, possession and injunction. Indeed the suit is 3 years old and pending for evidence of plaintiff. It is necessary to have correct description of suit property on record. If the same is not there, at the end of trial no results cannot be yield. Further the plaintiff

during the trial cannot lead correct evidence. The amendment sought doesn't change the nature of the suit. The defendants are going to get opportunity to consequently amend their written statement if needed.

4. For deciding the matter on merit correct description of suit property has to be record. It is also correct that the plaintiff ought to have been diligent in their description of suit property and contentions but for that mistake, not to consider this application will be injustice. Therefore this application is allowed. For the lapse on the part plaintiff taking appropriate steps in time cost needs to be imposed with this reasoning I pass following order :-

O R D E R

1. Application is allowed subject to costs of Rs. 400/- the paid T.L.S.A. Bhor.
2. Plaintiff to carry out the amendment on or before next date.
3. Plaintiff to provide amended copy.
4. Defendant is at liberty to carry out consequential amend in their written statement, if any.

Bhor
Date. 07.05.2025.

(N.K.Nagargoje)
Civil Judge J.D., Bhor

CERTIFICATE

"I affirm that the contents of this P.D.F file Order are same word for word as per original Order

Name of the Steno	–	Shri. A.D.More
Court Name	–	Hon'ble Smt. N.K.Nagargoje
Date of Order/Judgment	–	07/05/2025
Date of Sign Order/Judgment–		14/05/2025
Order uploaded on	–	14/05/2025