

	<p style="text-align: center;">Geetabai Thakaji Thorat Vs Chandrakant Ganpat Thorat</p>
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ORDER BELOW EXH. NO. 21

Plaintiffs have filed the present application for amendment under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (“C.P.C.”)

2. Heard both side. Considered their submissions.

3. The Ld. Advocate for the plaintiffs submitted that, in the present suit defendant no. 1 and 2 appeared before the Court and filed their written statement and say to the temporary injunction application. The contents of said temporary injunction application is false and frivolous. In the written statement defendant no. 1 and 2 contended that, plaintiffs have given incomplete description of suit property. They have not mentioned boundaries of suit properties. The plaintiffs have already mentioned boundaries of suit property in para 1A of plaint. Also, the plaintiffs have mentioned measurement of road mentioned in para 1B of plaint. Despite that, defendants contended that plaintiffs have not mentioned boundaries of said road. Actually there is no necessity to mention the boundaries of road but to avoid the technical problem in the suit plaintiffs want to amend the plaint by adding proposed para in para 1B of plaint. He further submitted that by the said amendment the subject matter of the suit will not change. The said amendment is related and necessary to decide the matter on merit. Hence, he prayed to allow the application.

4. The Ld. Advocate for defendant No.1 and 2 submitted that, plaintiff have not filed present application with clean hands. He has filed present application with malafide intention. Plaintiffs have taken

contradictory stand. Therefore, application liable to be rejected. Plaintiffs have not file any documentary evidence for the boundaries of the road. They are seeking amendment on their own motion and thinking. Such type of amendment will change the nature of suit. According to defendants there is no such type of road or pathway exist in suit property. By present application plaintiff is creating evidence against the defendants. He further submitted that, if the application is allowed then, it will cause irreparable loss to the defendants. If the application is allowed then plaintiffs will create the road by using unlawful manforce and muscle power. Hence, he prayed to reject the application.

5. Perused application and say. The suit is for declaration, permanent injunction and for easementary right. It appears that plaintiff are seeking amendment for adding boundaries to the road mentioned in the para 1B of the plaint. According to defendant there is no such type of road or pathway exist suit property. Whether there is road or pathway exist in the suit property or not it can be decided at the time of evidence. The proposed amendment will not change the nature of the suit. The said amendment is necessary for deciding the suit on merit.

6. No prejudice would cause to the defendant, if the proposed amendment is allowed. Hence, it is essential to grant permission to the plaintiff to avoid multiplicity of suit. In the interest of justice it is necessary to carry out amendment as mentioned in para No.2 of the present application. Hence, following order is passed.

ORDER

- 1) The application at Exh.21 is allowed with costs.
- 2) The Plaintiff shall carry out the amendment as per para No.2 in application within 14 days from

the date of the order and supply the amended copy of the plaint to the defendants and the court.

Date : 13/08/2025
Ghodegaon,

Sd/-
(Sneha Sunil Pulujkar)
2nd Jt. Civil Judge Junior Division,
Ghodegaon, Dist. Pune.

CERTIFICATE

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

Name of the Court : Smt. Sneha Sunil Pulunjkar,
2nd Jt. C.J.J.D. and J.M.F.C.,
Ghodegaon, Dist. Pune.

Name of the Steno : Gaurav. A. Bobade,
Steno Grade - III.

Order date : 13/08/2025

Order signed by P.O. on : 13/08/2025

Order uploaded on : 13/08/2025