

**ORDER BELOW APPLICATION EXH. NO.97 IN REGULA CIVIL  
SUIT NO.74/2019.**

(Passed on 06/01/2021 )

**(CNR NO.MHRG0907842019)**

This application is made by the plaintiff under order VI rule 17 of the Code of Civil Procedure, 1908 to amend the plaint after compliance of order below Exh.81. Defendants by filling say at the overleaf of application submitted that, they have no objection.

02. According to the plaintiff, he has instituted the present suit for removal of encroachment & perpetual injunction. The plaintiff had complied direction given by this Court below Exh.81. Hence, in view of order below Exh.81 plaintiff intent to add pleading in para No.12 of the plaint with respect to valuation of suit and Court fees.

03. Heard, advocates for the both sides. Perused the record. Admittedly the suit is for removal of encroachment and perpetual injunction. The proposed amendment seems to be nothing but a better clarification in respect to the description of valuation of suit and Court fees. The said amendment will not change the nature of the suit. It will help to decide the case on merit.

04. Evidence is yet to be led in the matter, hence there is no bar as provided under the proviso of Order 6 rule 17 of the

Code of Civil Procedure, in my opinion the proposed amendment elaborating the description of valuation of suit and Court fees. In result following order is passed :-

**ORDER**

- (i) The application Ehx.97 is allowed.
- (ii) The plaintiff is permitted to carry out the proposed amendment within prescribed time limit.
- (iii) The plaintiff is further directed to file the amended plaint and its copies thereof without delay.

Sd/-

**Place : Roha/Pali.**  
**Date : 06/01/2021.**

**(C. U. Shipkule)**  
**Civil Judge, Junior Division, Pali.**