

MHRT040005852016

**ORDER BELOW EXH.52 IN R.C.A. NO. 102/2016**

Narendra Ramesh Yelve dead through Appellants
Sheela Ramesh Yelve etc.2

Vs.

Ramesh Ramchandra Yelve

Respondent

1. The Respondent has preferred application to amend the written statement. It is submitted that the appellant has preferred suit for injunction. In that suit the defendant has filed written statement that in the suit property defendant is in possession of 25 guntha land since his forefathers and there is house of sister of defendant. The sister of the Respondent has house property in the place of old building. However as per the appellant the construction was made outside the boundary of old building. On 04-01-2013 the plaintiff has made application to the Grampanhayat and admitted that there is house of defendant in the suit property. When Respondent came to know about the application made in this appeal the Respondent has preferred application to adduce additional evidence which is allowed by the Court and thus the Respondent has filed this application to amend the written

statement.

2. The application is resisted by appellant by filing say at exh.54. It is contended that the Respondent defendant has no right or interest in the suit property. In spite of that in the written statement it is pleaded that to the eastern side of survey No.74/5 admeasuring 16 guntha land, and another land of 9 guntha the respondent has possession over 25 guntha land. The Respondent has mentioned that he has right as a tenant and at the same time he has pleaded that he has possession over 25 guntha land in the suit property. The defendant has also mentioned in the written statement that in the year 2011 his brother in law has made repair of the house with permission of Grampanhayat and the plaintiff has not taken any objection. In respect of this pleading the defendant has not adduced any evidence. The defendant has sought amendment that his brother-in-law Vitthal Ganu Mahadik had house in the suit property and he has taken permission for repair from the Grampanchayat and the plaintiff has made application to the Grampanchayat and objected the construction. Though the defendant has made application for amendment on this ground the defendant i.e. Respondent has not produced any permission granted to him on record. Both the properties survey No.74A8/1/1 and survey No.

74/ 8A1 are different and the appellant has already filed 7x12 extract of those properties on record. The present suit is for survey No.74A 8/1/1. There is no house property of defendant in the suit property. He has not made repair of that property and the appellant/plaintiff has not made any complaint in respect of any such house. It is prayed to reject the application.

3. Heard.

4. It is pertinent to note that amendment can be made at any stage in the suit to decide real question in controversy. Appeal is continuation of suit. The suit RCS No.27/2013 is in respect of survey No.74A hissa No.8/1/1 at Post Gimvhane. As per the written statement exh.33 in the said suit though the suit property shows ownership of the plaintiff and his co-sharers as per 7x12 extract of the suit property but plaintiff and the co-sharer have no possession over the suit property. The plaintiff and co-sharers have houses in the North east corner of the suit property and in the South west corner of the suit property there are houses of defendant and other persons since last 125 years as a tenant. Therefore it appears that the Respondent i.e. defendant has already taken stand in the written statement that he has house in the suit property in the South West corner as a tenant and therefore according

to me there is no need the amend the written statement as sought by the Respondent. In result I pass following order.

ORDER

Application is rejected.

Khed.

Date:- 22/12/2025

(P.S.Chandgude)

District Judge-1, Khed,
Dist. Ratnagiri

Certificate

I affirm that, contents of this P.D.F.file Judgment/order are same, word to word, as per the original Judgment /order.

Name of the English Stenographer	Mrs.V.S.Kulkarni
Name of the Court	District Court-1, Khed, Dist. Ratnagiri.
Date of Pronouncement	22.12.2025
Judgment/order Signed On	22.12.2025
Judgment/order Uploaded On	22.12.2025