

ORDER BELOW EXH. 107 IN RCS NO. 288/2004
(Savali Grampanchayat Vs. MIDC, Kupwad Etc.)

This is an application made by plaintiff for amendment in the plaint as per Order 6 Rule 17 of the Code of Civil Procedure. According to plaintiff, the Savali Grampanchayat has passed resolution dated 29.03.2023 to withdraw this suit. However, the Sarpanch and Dy. Sarpanch, at the time of filing of suit have been changed and present the Sarpanch and Dy. Sarpanch i.e., Smt. Sanmati Kuber Gane and Pradip Rajendra Bandgar respectively have been assigned with the rights to represent Grampanchayat in present suit. So also, plaintiff No. 7 to 9 have been died in mean time and therefore, it is necessary to withdraw their names from the present suit.

2. Defendant No. 1 filed it's say overleaf wherein it strongly objected the said application and prayed for passing necessary orders.

3. Perused record. Heard both sides.

4. To support the averments in the application, plaintiff has filed the said resolution and death certificates of plaintiff No. 7 to 9 respectively at Exh. 109/4 and Exh. 109/5 to 109/7 respectively. From the proposed amendment, plaintiff is seeking it's representation by present the Sarpanch and Dy. Sarpanch of Savali Grampanchayat as well as it is trying to delete plaintiff No. 7 to 9 respectively. Therefore, it is clear that plaintiff is merely changing it's representative as well as deleting other plaintiffs. Upon perusal of original pleadings of plaintiff it occurs that plaintiff No. 7 to 9 were suing in same capacity as that of Savali Grampanchayat. Their death certificates have been filed on record. Therefore, although the matter is at the stage of evidence but, the proposed amendment will not change the substantive nature of suit. Therefore, plaintiff can be permitted to change the representatives of Savali Grampanchayat and delete plaintiff No. 7 to 9 from the present suit. Accordingly, I pass following order -

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ORDER

1. Application is allowed.
2. Plaintiff to carry out proposed amendment and file amended copy of plaint on record on or before next date.

Sangli
Date:- 20/03/2026.

(Onkar S. Shastri)
5th Jt.Civil Judge J.D.,Sangli