

**Order Below Exh. 43 in Regular Civil Suit No.363/2021**  
**(Shri. Prasad Chavan & Ors. Vs. State of Maharashtra and Ors.)**  
**(CNR No. MHSN020023732021)**

This is an application under Order VI Rule 17 of Code of Civil Procedure for amendment in plaint.

2. It is contended that, the plaintiffs have filed suit against government authorities for declaration and injunction contending that, while doing the work of road widening without acquiring the lands of the plaintiffs the defendants have illegally constructing the road and threatening them to demolish the shed and shops erected by them. No compensation has been given to them for the acquisition nor their lands were acquired. The work of the highway has already been started but, the plaintiffs were not having detailed information of it. So they applied to the concerned authorities and got the information. The information received by the plaintiff is necessary for decision of the controversy between the parties. Therefore, the plaintiffs are constrained to move the application and amend plaint para No.3. No new case will come on record nor it will cause any prejudice to the defendants. Hence, on all these grounds the plaintiffs prayed for allowing the application.

3. Defendant No.5 has resisted the application by filing say at Exh. 47 and has denied all the contentions of the application. It is contended that, in the suit the plaintiffs claim that the work of road is to be started or is going on and by way of an amendment they want to suggest that, the work is already completed. The amendment is in respect of the demolition of shops and the shed is already present in the suit. Therefore, there is no need to amend the plaint. Application has been moved only to prolong the matter and cause harassment of the defendants. Hence, they prayed for rejection of the application.

4. Heard both learned advocates and gone through the record of proceeding. As pointed out by learned advocates for the plaintiffs, the suit has been filed against the government in respect of the work of the highway or the road carried out by the defendants. It is alleged by the plaintiffs that, for widening of the road the defendants have not acquired the lands of the plaintiffs nor have obtained their permission. Even compensation has not been paid to them. The plaintiffs have agitated before the authorities regarding this issue from time to time. But, they paid not hid. As the work of road is in relation to the government department so the plaintiffs were not having detailed information of it and during pendency of the suit they received it from them. Therefore, for the effectual decision of the suit this information is necessary to be brought on record.

5. The defendants have not denied that the information given as as proposed amendment is incorrect nor they have denied those facts. Therefore, considering the nature of the suit and explanatory nature of the amendment, in my view if the amendment is allowed no prejudice will be caused to the defendants. On the other hand if the application is rejected then it may result in to irreparable loss to the plaintiffs. Thus, I pass following order:-

#### **ORDER**

1. Application (Exh.43) is hereby allowed.
2. The plaintiffs are hereby directed to carryout necessary amendment within stipulated period and submit amended copy forthwith.

Sangli.  
Date : 07/03/2026

(Vibha P Gaikwad)  
Jt. Civil Judge Sr.Dn.,Sangli.