

MHSN020037732024 	RCS No. 396/2024 Sartaj Mujawar / SMK Municipal Corporation
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ORDER BELOW EXH. 27

The present application is made by the plaintiff for amendment in pleadings as per Order 6 Rule 17 of Code of Civil Procedure. According to plaintiff the defendant Municipal Corporation has issued notice dt.07/03/2025 as per Section 53 of MRTP Act during pendency of suit. The said notice is illegal in nature. Therefore, the plaintiff wants to seek illegality and declaration as to the voidability of said notice. Therefore, it is necessary to amend the plaint to that behalf.

2. Defendant Municipal Corporation filed its say Exh. 28. According to it, all the contents of application are false in nature. The plaintiff is raising illegal construction and hence it is proper to issue notice to him as per Section 53 of MRTP Act. Even as per Section 149 of MRTP Act this Court does not have jurisdiction to pass injunction order. The proposed amendment will change the nature of suit. Therefore, it will be proper to reject the application.

3. Perused the record. Heard both sides. The

plaintiff is seeking declaration as to illegality and voidability of the notice dt. 07/03/2025 which is issued to him during pendency of the suit. Therefore, the plaintiff is claiming amendment on the basis of subsequent events initiated by defendant Municipal Corporation during pendency of the suit. In such case it will be proper to permit him to make necessary amendment because those events were beyond his control. The alleged illegality of plaintiff's construction is a matter of separate enquiry which will be determined at the time of final adjudication but it will not affect the maintainability of present application. Hence, on the ground of amendment based on subsequent events the plaintiff can be permitted to carry out the proposed amendment. Accordingly, I pass following order -

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 : 29/04/2026

(Onkar Sanjay Shastri)

5th Jt. Civil Judge Junior Division,
Sangli

CERTIFICATE

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

Name of Stenographer	:	Mr. Ketan Ashok Sargar, (Grade-III)
Court	:	Shri. Onkar Sanjay Shastri, 5 th Jt. Civil Judge Jr. Dn., & J.M.F.C., Sangli
Date	:	29/04/2026
Order signed by the Presiding Officer	:	29/04/2026
Order uploaded on	:	29/04/2026