

Order below Exhibit 36 in Regular Civil Suit no. 30 of 2021
(CNR No. MHSN130000772021)

The plaintiff has filed the present application under Order 6 Rule XVII of the Code of Civil Procedure.

2) The plaintiff contended that the present suit is instituted for perpetual injunction. He further contended that during pendency of the suit defendant erected a construction in the suit property. Hence plaintiff want to amend heading of plaint, add paragraph no. 2(a) after paragraph no. 2 and amend para no. 7. The said amendment would not change the nature of the suit. Hence prayed to allow the application.

3) The defendants resisted the application contending that the contents in the application are not true and correct. The prayer of plaintiff is not tenable as per law. The defendants have erected construction before the institution of suit. Hence prayed to reject the application.

4) Heard both sides.

5) On perusal of record, it is apparent that the plaintiff is seeking amendment regarding amendment in heading of plaint, add paragraph no. 2(a) after paragraph no. 2 and amend para no. 7. The amendment sought by the plaintiff will not change the nature of the suit and there will be no loss to the defendants. Hence it would be in the interests of justice and to avoid multiplicity of proceedings to allow the plaintiff to amend the plaint accordingly.

Accordingly, the following order is passed :

ORDER

- 1) The application is allowed.
- 2) The amendment be carried out on or before next date and amended copy should be submitted.

3) Parties to bear their own costs.

Sd/-

Kadegaon
Date : 14.06.2023

(J.T.Koregaonkar)
Civil Judge, (J.D) Kadegaon