

Order below Exhibit 17 in Regular Civil Suit no. 296/2023

(Tanaji Khude V/s. Sambhaji Khude & Ors.)

(CNR No. MHSN130009362023)

The plaintiffs have filed the present application under Order 6 Rule XVII of the Code of Civil Procedure.

2) The learned counsel for plaintiffs contended that the present suit is instituted for removal of encroachment, possession and injunction. He further contended that, the boundaries which are mentioned in suit property is wrong and therefore plaintiff wants to amend the plaint and rough hand map. Therefore, the boundaries of suit property and rough map is required to be amended as per his application. The said amendment would not change the nature of the suit. Hence prayed to allow the application.

3) The defendant no.1 resisted the application contending that the contents in the application are not true and correct. The plaintiff has cause delay in filing the present application. Hence prayed to reject the application.

4) Heard both sides.

5) On perusal of record, it appears that, the plaintiff has filed the suit for removal of encroachment, possession and injunction. In order to determine the possession and removal of encroachment it is necessary for the plaintiff to correct the boundaries of suit property. Further the suit is at initial stage therefore, it is necessary for the plaintiff to correct the boundaries of suit property and rough map accordingly. The proposed amendment is not substantive in nature to change the nature of suit. 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. Hence I pass the following order.

ORDER

- 1) The application Exh.17 is hereby 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.

Kadegaon
Date : 03.01.2025

(D.S.Sharma)
Civil Judge, (J.D) Kadegaon
Dist.Sangli.