

ORDER BELOW EXH.48

This is an application filed by the plaintiff under Order 6 Rule 17 read with 151 of the Code of Civil Procedure for amendment of plaint.

02. It is averment of the plaintiff that instant suit has been instituted against defendants for partition, separate possession and for permanent injunction along with temporary injunction. Defendants took disadvantage of rejection of temporary injunction application and completed construction in suit property Gat No.913/B mentioned in the para No.1 of the plaint. In view of the completion of the construction it is required to take relief of mandatory injunction against the defendants. Hence, plaintiff urged for amendment of plaint.

03. Per contra the defendants filed their say. They opposed and denied the whole contentions of amendment application filed by plaintiff. The proposed amendment will be changed the nature of the suit. They urged for rejection of instant application.

04. Perused record. Heard Id. Counsel on behalf of plaintiff and defendants. Instant suit is for partition, separate possession and for permanent injunction. After perusal of the contents of the application on affidavit it reflects that the proposed amendment would not change the nature of suit as well as not prejudice to the defendants. In this matter trail has not began. Therefore, no prejudice would be caused to other side if instant application will be allowed in view of Order 6 Rule 17 read with 151 of the Code of the Civil Procedure. Hence, I proceed to pass the following order;

ORDER

1. Application at Exh.48 is hereby allowed in the interest of justice.
2. The plaintiff shall comply the order within stipulated period.

3. The plaintiff shall file amended plaint on record and supply copy of amended plaint to defendants without fail.

Vita.

Date:- 12.07.2024.

(M.Sharique A.U. Rahman)
Jt.Civil Judge Jr. Dn., Vita
Tal. Khanapur, Dist-Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer	:- S.V. Gaikwad,
Name of the Court	:- M.S.A.U. Rahman, Jt.Civil Judge Jr.Dn.,& J.M.F.C. Vita. Tal:-Khanapur.
Date of decision	:- 12.07.2024
Order signed by P.O. on	:- 12.07.2024
Order uploaded on	:- 12.07.2024.