

ORDER BELOW EXH.60 IN R.C.S. No. 511/13

1. The plaintiff has filed this application for amendment of the plaint as per the provision of O 6 R 17 of Civil Procedure Code.
2. By this application the plaintiff wants to insert some of the pleadings regarding the interference of the defendant over the peaceful possession of the plaintiff on the suit property.
3. The defendant has opposed the application by filing his detail say at Exh.61. In the say it is contended that, the reason mentioned in the application are not just and proper as well as the pleading which plaintiff want to amend is contrary to the previous pleading therefore the plaintiff cannot be permitted to amend the suit.
4. To decide the application following points are arise for my determination and I have given my finding thereon with reason thereto as under.

Sr. No.	Points	Findings
1	Whether the application is liable to be allowed ?	Affirmative

REASON

5. The learned counsel for the plaintiff Shri. Bagal submitted that, after passing of the order below Exh.5 the defendants are trying to disturb peaceful possession of the plaintiff over the suit property and the defendants are trying to dispossess the plaintiff from the suit property forcefully. Therefore, the plaintiff want to amend pleading accordingly.
 6. On the other hand, the learned counsel for the defendant Shri. Bardikar argued that, the plaintiff want to plead some mogum pleading about the suit property. He has not stated anywhere that, the legal possession of suit property or to dispossessed by the
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defendant therefore, self contradictory pleading cannot be allowed.

7. Hence this matter the plaintiff has claimed relief of specific performance of contract on the basis of agreement to sale with the specific pleading that, he is in possession of the suit property. By this amendment the plaintiff want to insert some of the pleading about the alleged obstruction with the hands of defendant. Considering the nature of the suit and relief sought by the plaintiff as well as subsequent event which is allegedly happened during the pendency of suit. In my view for the ends of justice the plaintiff will have to be permitted to put up his case as per the facts and circumstances caused during the pendency of the suit. Hence I pass the following order.

ORDER

1. The application is allowed subject to cost of Rs. 500/-
2. The plaintiff be carry out amendment within stipulated period.

Dt. 20/09/2016

(M. V. Burade)
Jt. C.J.J.D. Pandharpur.

CERTIFICATE

I, affirm that the contents of this PDF file Order/Judgment are same word to word, as per the original order/Judgment.

Name of Employee	:	Y. V. Sital (Jr. Clerk)
Court	:	Jt. Civil Judge Jr.Dn. Pandharpur
Date	:	20-9-2016
Judgment/order signed by: the Presiding Officer on	:	20-9-2016
Judgment/Order uploaded on	:	20-9-2016
