



Regular Civil Suit 266/2025

CNR Number MHSO-07-000303-2025

Dipali Vinayak Trigune,

.....Plaintiff

Versus

Babasaheb Gangadhar Trigune

.....Defendant

ORDER BELOW EXHIBIT 17

1. The suit is for perpetual injunction. The plaintiff has filed the application vide exhibit 17 to add pleading by way of amendment in the suit. The plaintiff has stated that, defendant has executed sale deed on 12-12-2025. The sale deed is executed during pendency of suit. The suit property described in paragraph number 1 of suit is transferred during pendency of suit. Therefore, it is necessary to challenge sale deed dated 12-12-2025. It will not change nature of suit. Hence, it is necessary to do amendment in respect of sale deed dated 12-12-2025. It is necessary to do amendment in paragraph number 3, 8A, 7 of suit. The court has called the say of opposite side on application vide exhibit 17. The defendant has not filed say though sufficient opportunity is given, but raised strong objection during argument. It is stated that, application is false and vexatious. The reasons are not sufficient. Hence, application vide exhibit 17 is to be rejected.

2. I have perused application vide exhibit 17 filed by plaintiff.

3. Upon hearing of both sides and on perusal of exhibit 17, the following points arise for my consideration.

Sr. No.	Points	Findings
1.	Whether proposed amendment will change nature of suit ?	No
2.	Whether proposed amendment is necessary to decide real dispute between parties ?	Yes.
3.	Is Plaintiff entitled for relief of amendment ?	Yes
4.	What is order ?	The application is allowed.

REASONS

As to point number 1 to 4

4. The point number 1 to 4 are interconnected with each other. Hence, they are clubbed together. The plaintiff has filed the application vide exhibit 17 to add pleading in the suit and seeking further amendment in view of that sale deed dated 12-12-2025. The sale deed dated 12-12-2025 is challenged by plaintiff. That sale deed is executed during pendency of suit. Hence, the plaintiff has moved the application as per order 6 rule 17 of code of civil procedure. It will not change nature of suit.

5. This is suit for perpetual injunction. The suit property described in paragraph number 1 of suit is transferred by way of sale deed during pendancy of suit. Hence, it is necessary to challenge that sale deed. It will not change nature of suit. In order to enable the court to adjudicate effectively, completely, to settle all the questions involved in the suit, and in the interest of justice, it is necessary to allow this application. The application vide exhibit 17 is filed under the provision

of order 6 rule 17 of Code of Civil Procedure. Hence, question of limitation does not arise.

6. The said amendment is necessary to decide real dispute in the parties. In view of court, the nature of proposed amendment is not causing any change in the nature of claim of suit. It will not damage or change the nature of suit, rather the amendment will sort out the dispute between parties. It seems that, the proposed amendment is bona fide one. The proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties. If the application vide exhibit 17 is rejected then it may result in multiplicity of litigation. In order to avoid multiplicity of proceeding, it will be appropriate to allow the said application. The proposed amendment will help the court to adjudicate the dispute on its merit. The defendants will get the opportunity to put forth their defence. Therefore, the application is allowed. In the result, the following order is passed.

ORDER

1. The application vide exhibit 17 is allowed.
2. The suit shall be amended accordingly on or before next date by plaintiff and copy of amended plaint is to be filed on or before next date by plaintiff. The suit shall proceed further in accordance with provisions of law.
3. The plaintiff is to deposit appropriate court fee stamp, if any.

Date – 31-07-2026

Smt. K. A. Katkar
3rd Joint C.J.J.D. Pandharpur.

- : C E R T I F I C A T E :-

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	: R.C.S.No. 266/2025
Name of Clerk	: S.P. Doke,
Court Name	: Smt. K. A. Katkar 3 rd Joint Civil & Criminal Court, Pandharpur
Date of Decision	: 31-07-2026
Order signed by P.O. on	: 31-07-2026
Order uploaded on	: 31-07-2026