

ORDER BELOW EXH. NO. 25

Perused the application. It is the contention of plaintiff that he filed suit for permanent injunction for restraining defendant from encroaching upon his property. Defendant No. 2 has filed his written statement and defendant No. 1 has not filed, hence No W.S. order is passed against him. During the pendency of the suit GPA of plaintiff fall ill and taking treatment at Tata Memorial Hospital, Mumbai for the period of three months and plaintiff was out of station and he could not give attention to the field. Defendants had taken advantage of it and encroached upon the land of plaintiff in the year 2013. The event is subsequent one hence proposed amendment is necessary for deciding real controversy between both parties, formal one, it is in relation to subsequent event and necessary to avoid multiplicity of proceeding. Lastly prayed to allow the application.

2. Defendant have not filed their say to the application.

3. Heard Adv. M. P. Dhas on behalf of the plaintiff. It is seen from the record that suit is for grant of injunction for restraining defendant from creating encroachment over the suit property and it is the contention of the plaintiff that defendants have encroached upon the land of plaintiff in the year 2013 which shows subsequent event and it is necessary to avoid multiplicity of the proceeding. Under such circumstances application needs to be allowed but it is seen that it is contended that encroachment is of year 2013 and nothing written in regard to knowledge of it and application is filed in the year 2016. Under such circumstances application needs to be allowed subject to cost. With this I pass following order.

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RCS No. 355/2012
Sudarshan Vs. Dattatraya & Anr.

ORDER

1. Application is allowed subject to cost of Rs. 700/- be deposited to legal aid.
2. The plaintiff is directed to bring LR's as per their application in the suit within stipulated period.

Date:01.01.2019

(SOU. J. R. RAUT)
2nd Jt. Civil Judge Junior Division,
Barshi, Dist. Solapur.

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RCS No. 355/2012
Sudarshan Vs. Dattatraya & Anr.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order is same word to word as per the original order.

- (a) Name of the Stenographer : S. V. Kokate
- (b) Court: Sou. J. R. Raut, 2nd Jt. Civil Judge, J. D. Barshi
- (c) Order signed by P.O. on : 01.01.2019
- (d) Order uploaded on : 09.01.2019