



**ORDER BELOW EXH.14**

This is an application by the plaintiff for amendment of the plaint. It is the contention of the plaintiff that he has filed instant suit for measurement and fixation of the boundaries. By order below Exh.10, the suit property came to be measured by the T.I.L.R. Madha on 14/06/2024 and the boundaries were fixed. The plaintiff thus want to amend the plaint as per the observations made and conclusions drawn by the measurer in the measurement map and the report. The defendants prayed for appropriate order.

02. Heard both sides. Perused the record.

03. Record shows that, the suit is for measurement and fixation of the boundaries of the suit properties. By order below Exh. 10, the court has appointed court commissioner for carrying out measurement of the suit property and fixation of boundaries. As per the order, the court commissioner has measured the suit properties on 14/06/2024 and fixed boundaries. Thereafter, he submitted the report along-with the map at Exh. 13. As per the report and map, the defendants and some others have made an encroachment over the suit properties. The plaintiff therefore wants to amend the plaint as per the conclusions drawn by the measurer. Admittedly, the real controversy in the suit is

about an encroachment and demarcation of boundaries of the suit property. Therefore, in order to elucidate the matter in controversy, the plaint needs to be amended as per the report of the commissioner. Whether the proposed amendment has any merit or not cannot be decided at this stage. The burden to prove the proposed amended facts is on the plaintiff. If he fails in that, he would fail in the suit. Therefore, in my view, the proposed amendment is just and necessary for deciding the real controversy in the suit. The amendment will not cause any inconvenience to the other side, since they have the right to make consequential amendments in the written statement and also object to the report of the court commissioner. Hence, the application is allowed. The plaintiff is directed to carry out the amendment within 14 days and submit a copy of the amended plaint immediately.

Date :- 29/11/2025  
Place :- Madha.

**( Pratik G. Lambe )**  
Jt. Civil Judge, Junior Division,  
Madha.