

MHST060006812012



**ORDER PASSED BELOW EXH. 108 IN R.C.S. NO. 173 OF 2012.**

This is an application under Order VI Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred as “the C.P.C.” for the sake of brevity) for amendment in the plaint. Perused the application and reply. Heard the learned counsels for both the sides at length.

02. By virtue of the instant application, the plaintiff wants to amend the plaint. It is the contention of the plaintiff that after filling of suit he has made development in the suit property. He has made new construction on the suit property. That construction is also entered in Grampanchayat records. The plaintiff wants to add the pleading regarding new construction in the plaint. He want to add Para No. 1A in the plaint. The proposed amendment is necessary for proper adjudication of the suit. The proposed amendment will not prejudice to the defendants.

03. The defendant No. 1 objected the application by filing his say below Exh. 113. He contended that the plaintiff has made illegal construction over the suit property. The nature of the suit property has changed. The plaintiff has no right to make construction over the suit property. He is not owner of the suit property. He has not taken permission for making construction over the suit property. It is necessary to initiate proceeding against plaintiff for illegal construction. Plaintiff is trying to grab the properties of Grampanchayat. The defendant No. 1 has already made construction over the suit property.

It is necessary to appoint Court Commissioner for inspection of the the suit property. There is no cause of action to file present suit. The present suit is at the stage of evidence. The plaintiff is trying to prolong the matter. Hence, he prayed for rejection of the application.

04. The plaintiff has filed present suit for permanent injunction and declaration. It is contention of plaintiff that he is owner of the suit property and he is in possession of the suit property. Defendant No. 1 refused the contention of plaintiff. The plaintiff is *dominus litis* of the present suit. There is subsequent development in the suit property. The trial of suit has not been commenced yet. The defendant No. 1 is at liberty to defend the proposed amendment by way of written statement. The proposed amendment will not change nature of the suit. Hence, for adjudication of the matter and for avoiding multiplicity in the proceeding, the application deserves to be allowed. Consequently, I proceed to pass following order :-

**- : ORDER :-**

1. The application stands allowed subject to costs of Rs. 500/- payable to defendant No. 1.
2. The plaintiff is permitted to carry out the proposed amendment in the plaint forthwith.
3. The plaintiff is directed to place on record the amended copy of the plaint and further directed to supply copy of the same to the defendant.

Date : 21.08.2025

sd/-  
(S.S. Gadve)  
Civil Judge Junior Division,  
Dahiawadi.

**:- Affirmation certificate :-**

I affirm that the contents of this P.D.F. file order are same, word to word as per original order.

|                                                      |                                                                           |
|------------------------------------------------------|---------------------------------------------------------------------------|
| Name of the Stenographer                             | :- A. N. Ombase, Steno Grade-3,                                           |
| Name of the Court                                    | :- Civil Judge (J.D.) & J.M.F.C.,<br>Dahiwadi, Tal. Man, Dist.<br>Satara. |
| Date of judgment/order                               | :- 21.08.2025                                                             |
| Judgment/order signed by the<br>Presiding Officer on | :- 21.08.2025                                                             |
| Date of judgment/order uploaded on                   | :- 21.08.2025                                                             |