

MHST070023592026

**ORDER BELOW EXH 30 IN R.C.S NO. 170/2026**

(Balkrushna Ingawale + 1 Vs. Adhikrao Patil + 1)

The plaintiffs have filed the present application to grant permission to amend the plaint, as provided under Order VI Rule 17 of Code of Civil Procedure, 1908.

2. Perused the application, reply Exh. 32, pleadings, documents and the record. Heard the learned advocates on behalf of the respective parties.

3. The plaintiffs have proposed the amendment in the sketch map annexed with plaint, typographical mistake occurred in the four boundaries description and in Exh. 5 application. The amendment is in the formal nature and does not prejudice the defence. It is necessary to clarify the facts. Hence, this application.

4. The application is opposed on the count of being baseless, abuse of court process, with intent to prolong the matter and being not maintainable. Hence, prayed for rejection of application.

5. The plaintiffs have proposed the amendment in the plaint viz-a-viz application Exh.5. The plaint map is annexed with the plaint to show the description of the suit property and the encroachment. The location of C and D as to the encroachment portion is wrongly

made in the sketch map. The plaintiffs wants to cure such mistake. In view of Order 7 Rule 3 the sketch map is material part of plaint. Being the matter is yet to be fixed for evidence trial is not commenced. Considering such stage, the mistake can be cure. If such mistake would not rectified, the complication may arose in respect of the same in the trial and to decide the controversy between the parties. Further, the other proposed amendments are in the nature of typographical mistake that needs to be corrected to avoid further complications. So far as, maintainability of amendment in respect of Exh. 5 is concern Section 152 provides the general powers to amend any defect or error in any proceeding in a suit. Thereby, the amendment in miscellaneous application is permissible as per Section 152 of CPC. Considering the typographical mistakes and to avoid further complications while considering the initial stage of the proceeding application is deserves to be allowed. Hence, I pass following order.

ORDER

1. The application Exh. 30 is allowed.
2. The plaintiffs are permitted to amend the plaint and Exh. 5 as proposed in the application, within 7 days.
3. The defendants will have right to make consequential amendment to the extent of proposed amendment.
4. Application is disposed of accordingly.

Place : Karad.
Date : 10.07.2026.

(Sudhir M. Bomidwar)
Jt. Civil Judge, Jr.Dn., Karad.