

ORDER PASSED BELOW EXHIBIT-54.

This application is filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure.

2] In short, it is the contention of the plaintiff that, in the description of the suit property name of village remains to be mentioned in Para No.1 of the plaint and temporary injunction application. It will not change the nature of suit. Hence, prayed to allow the application.

3] The defendant Nos.1, 3 and 6 filed say and opposed the application contending that, the application is devoid of merits. The plaintiff is negligent. The matter is of the year-2018 and after lapse of five years period application is filed. Hence, prayed to reject the application.

4] Other defendants failed to file say.

5] Heard both the parties and perused the record. It appears that, the matter is at initial stage of hearing on temporary injunction application. It means the trial is yet not commenced in the matter. Therefore, there is no hurdle of amended provisions of Order 6 Rule 17 of the Code of Civil Procedure.

6] Further, on perusing the plaint and temporary injunction application Para No.1, it appears that description of the suit property is mentioned but name of village is not mentioned in that para. Therefore, it will not clear the identification of the suit property. In this situation for the proper identification of the suit property it is

necessary to grant permission to mention the name of village by way of amendment as sought by the plaintiff.

7] So far, objection of the defendants that, there is delay in filing the application is concerned, it is necessary to award the costs to defendant Nos.1, 3 and 6. Hence, I pass the following order.

ORDER

- 1] Application is allowed subject to costs of Rs.500/- to be paid to defendant Nos.1, 3 and 6.
- 2] Plaintiff shall carry out the amendment on or before next date and submit the amended plaint and temporary injunction application for the Court and copies thereof for defendants.

Date : 02/09/2023

(R. P. Kulkarni)
Civil Judge (Sr. Division), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment /order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 02/09/2023
- 4) Order signed by the presiding officer on :- 02/09/2023
- 5) Order uploaded on :- 02/09/2023