

	<u>ORDER PASSED BELOW EXH.39 IN</u> <u>REGULAR CIVIL SUIT NO. 24/2023</u> <u>(Prakash Kalanuji Bhagat Vs Gram Panchayat Kawthal)</u>
---	--

1. The present application is filed by plaintiff Nos. 1 and 3 under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure for amendment of plaint.

2. Heard learned advocate for the plaintiffs and learned advocate for defendant Gram Panchayat. Perused the application and say.

3. It appears that the present suit is for permanent injunction. By the proposed amendment, plaintiff Nos. 1 and 3 want to add paragraphs 15-A, 15-B and 15-C in the plaint. The proposed amendment mainly relates to notices allegedly issued by Gram Panchayat and alleged incident dated 18/07/2024 regarding breaking open of lock, removal of articles and theft of soybean bags.

4. The defendant has opposed the application on the ground that the plaintiffs have not filed the application with due diligence. It is further contended that the proposed amendment is not concerned with the present suit, it is unnecessary, it will change the nature of the suit and the application is filed only to prolong the matter.

5. It is well settled that amendment of pleadings can be allowed when it is necessary for determining the real controversy between the parties. However, such amendment cannot be allowed as a matter of course. The Court has to see whether the amendment is necessary, whether it

changes the nature of the suit, whether it introduces a new cause of action and whether the party has acted with due diligence.

6. In the present case, the suit is simpliciter for permanent injunction. The proposed amendment is in respect of subsequent alleged incidents of issuing notices, breaking open locks, removal of articles and theft of soybean bags. These allegations are separate and distinct in nature. For such alleged acts, separate remedies are available to the plaintiffs in law. Merely because the alleged incidents relate to the suit premises, it cannot be said that all such allegations are necessary for deciding the present suit for permanent injunction.

7. The proposed amendment will enlarge the scope of the suit and would introduce new facts and allegations which are not necessary for deciding the original controversy between the parties. The Court is required to decide whether the plaintiffs are entitled to relief of permanent injunction on the basis of pleadings and evidence relating to lawful possession and alleged interference. The proposed amendment, if allowed, would convert the suit into an inquiry regarding alleged forcible dispossession, theft and criminal acts.

8. Further, the alleged incident is dated 18/07/2024, whereas the application is filed thereafter. The plaintiffs have not satisfactorily explained why the said amendment could not be sought earlier with due diligence. Therefore, the requirement of due diligence is also not fulfilled.

9. Considering the nature of the proposed amendment, it appears that the amendment is not necessary for adjudication of the real controversy

in the present suit. It may also cause prejudice to the defendant and delay the trial. Hence, the application deserves to be rejected. Hence, I proceed to pass following order.

ORDER

1. Application Exh. 39 filed by plaintiff Nos. 1 and 3 under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure is hereby rejected.
2. No order as to costs.

Date : 06/05/2026

(Khwaja.C. Kalal)
Jt. Civil Judge Jr.Division, Mangrulpir,
Tal. Mangrulpir, Dist. Washim.

<u>CERTIFICATE</u>		
I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.		
Name of Court	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.
Presiding Officer	:-	Khwaja C. Kalal
Judgment/Order uploaded by	:-	Shri. S. S. Rathod (Jr. Clerk)
Date of Judgment/Order	:-	06/05/2026
Judgment/Order signed by the presiding officer on	:-	06/05/2026
Judgment/Order uploaded on	:-	06/05/2026