



**ORDER BELOW EXH.21**

1. Present application is filed by the plaintiff under Order VI Rule 17 of the C.P.C.
2. In short, it is the contention of the plaintiff that suit is filed for permanent injunction along with the application of temporary injunction. That in four boundaries in para No. 01 of plaint and Exh.05 on north side of field of Gajanan Keshav Ugale and others wrongly typed. Plaintiff wants to amend instead of field of Gajanan Keshavrao Ugale and others, field of Damodhar Keru More is required to be inserted in plaint and in Exh. 05. The amendment will not change the nature of defence being the alleged amendment is only explanatory to decide the matter correctly and for fair adjudication of trial amendment is necessary. Hence, prayed to allow the application.
3. Defendant filed his say on Exh. 22. The defendant has filed his written argument on Exh. 23. The defendant opposed the application contending that the application is false. Proposed amendment of plaintiff is changing the nature of suit and it can change constitution of suit. Hence application of plaintiff is liable to be rejected with heavy cost. The proposed amendment of plaintiff is bringing new cause of action. Hence, prayed to reject the application.
4. Heard. Perused record. It appears that, this matter is pending for the hearing on Exh. 05. It is settled principle of law that, the courts have more liberal in granting amendment, therefore in order to

adjudicate the matter on merit and to resolve the real dispute on controversy , opportunity to plaintiff needs to be given.

5. Further, due to change in name of person of north side field the nature of suit will not be change. Therefore, no prejudice will cause to the defendant. Therefore, the application deserves to be allowed. Hence, I pass the following order:

**ORDER**

1. Application is allowed .
2. The plaintiff is directed to amend the plaint and Exh. 05 as proposed on or before next date.
3. The plaintiff shall carry out amendment and file the amended plaint for Court and copies thereof for the defendant.

Sd/-

Date:- 16.01.2023

(P.M.Kamble)  
2<sup>nd</sup> Jt. Civil Judge, J.D., Risod.

## CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same word to word, as per the original Judgment/Order.

Name of the Stenographer/Clerk: V. V. Gaykwad

Name of court : C.J.J.D.& JMFC, Risod

Date : 16-01-2023

Judgment/Order signed by the  
Presiding Officer : 16-01-2023

Judgment/Order uploaded on : 16-01-2023