

Sandip..Vs..State & Ors.

ORDER BELOW EXH.220

(Passed on 06th February, 2026)

Present application filed by the legal heirs of the deceased original defendant no.20. According to legal heirs of the deceased original defendant no.20, they have earlier filed counter claim along with counter temporary injunction application against the original plaintiff. According to legal heirs of the deceased original defendant no.20, now, they have not pressed the counter claim filed by them vide Exh.200 as per order of this Court. According to legal heirs of the deceased original defendant no.20, now, accordingly, they want to make necessary changes in the counter temporary injunction application as to the nomenclature of the parties. According to legal heirs of the deceased original defendant no.20, there should not be any technical defect in the application in future, therefore, they have filed present application and it be allowed in the interest of justice.

2. The say of original plaintiff was called for. The original plaintiff has filed his say vide Exh.221 and resisted the present application. The original plaintiff submitted that the application under reply is totally against the provisions of law, therefore, prayed for rejection of the application with costs. The original plaintiff also submitted that the contention in the application are contrary to each other, therefore, he prayed for rejection of the application with costs. The original plaintiff also submitted that the legal heirs of the original defendant no.20 have filed counter claim against the original plaintiff and it has been now not pressed by the legal heirs of original defendant no.20. The

original plaintiff submitted that as the counter claim has been not pressed by the legal heirs of the deceased original defendant no.20, therefore, the counter temporary injunction application also does not survive anymore. The original plaintiff submitted that the matter was fixed for evidence of original plaintiff and original plaintiff has adduced his evidence also. Therefore, at this stage, present application is not at all tenable, therefore, he prayed for rejection of the application with costs.

3. Heard Ld. Advocates for both sides.

4. Perused the record and documents filed on record in the light of arguments advanced. On perusal of record, it is noticed that on earlier occasion the legal heirs of the deceased original defendant no.20 have filed counter claim vide Exh.200 and also counter temporary injunction application vide Exh.199. On going through the said counter temporary injunction application vide Exh.199 it is noticed that the parties therein have been addressed as counter plaintiff and counter defendant. Now, as per the order of this Court vide Exh.216, the counter claim vide Exh.200 have been not pressed by the legal heirs of the deceased original defendant no.20. Now, in this changed scenario the legal heirs of the deceased original defendant no.20 just want to make amendment in the counter temporary injunction application vide Exh.199 regarding the nomenclature of the parties. In these circumstances, in my opinion, if the legal heirs of the deceased original defendant no.20 permitted to change the nomenclature in the counter temporary injunction application vide Exh.199, no any prejudice would be caused to the original plaintiff. On the other

hand, the present amendment is just and necessary for resolving the real controversy between the parties. Also, if the application in present form is allowed then nature of pleading also does not changes. In such circumstances, the present application is liable to be allowed. Hence, I proceed to pass following order.

:: ORDER ::

01. The application vide Exh.220 is allowed in terms of prayer clause.
02. The legal heirs of the deceased original defendant no.20 are hereby directed to carry out the amendment in the counter temporary injunction application vide Exh.199, within 14 days from the date of order.
03. Costs in cause.

(Dictated and pronounced in open Court)

Date : 06/02/2026

(S. S. Aradwad)
Civil Judge, Sr.Dn., Darwha.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same word for word as per original Judgment/order.

Name of Stenographer	R.H. Lokhande (Grade-II)
Court Name	Shri. S. S. Aradwad, Civil Judge Sr.Dn., Darwaha, Dist. Yavatmal.
Date of Judgment/order	06-02-2026
Judgment/order signed by Presiding Officer on	06-02-2026
Judgment/order uploaded on	06-02-2026