

Regular Civil Suit No.45/2025
Vishwanath / Satish & Ors.

ORDER BELOW EXH.18
(Passed on 27th day of March, 2026)

The plaintiff has filed this application under Order VI Rule 17 of Code of Civil Procedure, for amendment in the plaint.

2. It is the contention of plaintiff that at the time of filing of suit, plaintiff was not having the knowledge regarding the boundaries of suit property. The boundaries of suit property is necessary in order to ascertain the suit property. It is the further contention of plaintiff that he intends to add the four boundaries of suit property in plaint. It is his further contention that the proposed amendment does not change the nature of this suit.

3. The defendants have filed their say and opposed the application on the ground that the plaintiff ought to have mentioned the four boundaries of the suit property at the time of filing of the plaint. The plaintiff willfully and deliberately prolonging the matter and hence, they prayed for rejection of application.

4. Read the application and reply filed. Heard the Ld. Advocates for both the parties. Perused the record.

5. This the suit for permanent injunction. It is the case of plaintiff that he is the owner of suit property and the defendants trying to obstruct his peaceful possession of suit property. Therefore, the plaintiff has filed this suit.

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6. On the perusal of plaint (Exh.1), it is seen that the plaintiff has not mentioned the four boundaries of suit property. It is necessary to mention the boundaries of property in order ascertain the suit property. It is submitted by the learned advocate for plaintiff that at the time of filing of suit, the plaintiff was having no knowledge regarding the four boundaries of suit property. Now, he intends to add the four boundaries of suit property in the plaint by way of amendment. It is the settled principal of law in order to adjudicate the matter finally, the accurate description of suit property is necessary. It is also necessary to mention the four boundaries of property in order to ascertain the accurate suit property. The plaintiff has filed this application on affidavit. There is no reason to disbelieve the contention of plaintiff.

7. The proposed amendment is necessary to be brought on record to adjudicate the matter finally. The proposed amendment, if allowed, will not change the nature of the suit. In order to avoid further consequences and in order to curtail the multiplicity of proceeding, the proposed amendment is necessary in order to adjudicate all the material issues on merit. No prejudice shall be caused to defendants, as they shall have every opportunity to meet with the case. Hence, the applications deserves to be allowed subject to costs of Rs. 500/-. Accordingly, I pass the following order :

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ORDER

1. The application at Exh.18 is allowed subject to cost of Rs. 500/- payable to the defendants.
2. After depositing of cost the plaintiff will be permitted to carry out the amendment in the plaint as prayed and shall also file the amended copy of the plaint.

Ghatanji.
Date-27.03.2026.

(P. R. Patil)
Civil Judge, Jr.Dn.,Ghatanji,
District- Yavatmal.

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CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer- A. M. Suryawanshi (Gr.-III)