

**ORDER BELOW EXH. 19**

(Jaywant Dagadu Nikam Vrs. Ashok vishnu Shedage)

The plaintiff filed the application for amendment of plaint under Order 6 Rule 17 of the Code of Civil Procedure, 1908. The defendant filed the reply at Exh. 21 and he opposed the application.

02. The learned Advocate Shri. A. V. Kodule for the plaintiff submitted that the present suit is for removal of encroachment. Due to proposed amendment nature of suit will not be changed. To avoid ambiguity proposed amendment is necessary. Proposed amendment is regarding length and breadth. To determine the real controversy between the parties proposed amendment is necessary. Amendment application can be placed at any stage of trial. Hence, prayed to allow the application.

03. Learned Advocate Shri. A. S. Mane for the defendant submitted that the plaintiffs placed this application after commencement of the trial. The plaintiff is prolonging the matter by filing such application. The plaintiff had opportunity to plead the proposed amendment during the institution of the suit. Hence, prayed to reject the application.

04. Heard both sides. Perused the record. As per the Order VI Rule 17 of the Code of Civil Procedure, 1908, it appears that the proposed amendment sought is bonafide and it will not change the nature of suit of the plaintiff. To determine the real controversies between the parties, it would be just and proper to allow the application. It appears that, if the application is allowed no prejudice will cause to other side. To avoid the multiplicity of the suits and in the interest of justice, it appears just and proper to allow the application. It also

appears that to compensate the delay, it will be proper to impose the costs of Rs. 200/- (Rs. Two Hundred) upon the plaintiff. Hence, the order-

**ORDER**

- 1) The application (Exh.19) is allowed with costs as per Order VI Rule 17 of the Code of Civil Procedure, 1908.
- 2) It is directed to the plaintiff to pay the costs of Rs. 200/- (Two Hundred) to the defendant.
- 3) It is directed to the plaintiff to carry out the amendment within 14 days from the date of this order.
- 4) After carrying out the amendment, the plaintiff shall produce amended copy for the Court and amended copy to be given to the defendant.

Patan, District - Satara  
Date: 12.09.2024.

(Chetna Y. Neware)  
Joint Civil Judge Junior Division,  
**Patan.**