

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1101 OF 2015

BALU RAJARAM PAWAR
VERSUS
SHRIMANT JAGDEVRAO ANANDRAO PAWAR AND ANOTHER

...
Advocate for Petitioner : Shri Garud N.C.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 10, 2015
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PER COURT :-

1. The petitioner is aggrieved by the order dated 9.4.2014 which is challenged on 5.1.2015 by this petition. An amendment to include a short paragraph based on alleged event / incident of encroachment occurred on 3.9.2012 has been permitted by the impugned order. Grievance of the petitioner / defendant is that a false story has been narrated. The petitioner is in possession of the property from the Tiller's Day which is 1.4.1957 and as such, an application for amendment should have been rejected.

2. I have considered the submissions of the learned Advocate for the petitioner and have gone through the petition paper book with his assistance.

3. The trial Court has rightly not appreciated / gone into the merits of the proposed amendment. The petition is for possession and removal of encroachment. By the proposed amendment, subsequent event said to

have occurred on 3.9.2012 is sought to be introduced in the plaint. Ultimately, the plaintiff will have to establish the said event. The petitioner is at liberty to file an additional written statement to refute the amended portion of the plaint.

4. In my view, the impugned order does not suffer from any error and cannot be termed as being perverse. The petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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akl/d