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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8853 OF 2014

Vikas Dongla Chavan & ors. ..PETITIONERS

VERSUS

Vikas Ramrao Natu ..RESPONDENT

Mr Yuvraj V. Kakde, Advocate for petitioners;
Mr A.A. Mukhedkar, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th November, 2015

ORAL ORDER :

The amendment to the cross-objection, seeking addition of boundaries of the suit property, is rejected by the learned Trial Court, by the impugned order.

2. Mr Kakde, learned Counsel appearing on behalf of the petitioners, while questioning the legality of the order would urge that if the amendment is allowed in cross-objection of which trial is yet to commence, no prejudice will be caused to the respondent herein. According to him, the same would not change the nature of the proceedings.

3. Mr Mukhedkar, learned Counsel appearing on behalf of the respondent would urge that the order impugned herein is just and proper and in tune with the requirement of Order VI, Rule 17 of the Code of Civil Procedure. He would then urge that since the trial has commenced, the prayer for amendment was rightly rejected.

4. Having considered the rival submissions, it is noted that once the trial in the suit has commenced, the amendment as is sought in the cross-

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objection particularly by incorporating the boundaries of the property, in my opinion, changes the nature of the suit, in case if there is a dispute between the correct boundaries and survey number. In view thereof, the Trial Court has rightly rejected the application for amendment. No case for interference in the extraordinary jurisdiction is made out.

5. In the result, writ petition stands rejected with no order as to costs. The petitioners are at liberty to withdraw the costs deposited before the Court below, in compliance with the earlier order passed by this Court.

(N.W. SAMBRE, J.)

amj