

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9496 OF 2013**

Vasant Sadashiv Gurav & ors.

..Petitioners

Vs.

Shrirang Ishwar Pol & Ors.

..Respondents

Mr. Khateb Vakeel for the Petitioners

Mr. Shrishail Sakhare for the Respondent Nos.31 to 35

Mr. P. D. Dalvi for the Respondent Nos.1 to 9, 11 to 17 and 19 to 29

CORAM : R. M. SAVANT, J.

DATE : 6th JANUARY, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 21-6-2013 passed by the Learned Joint Civil Judge Junior Division, Karmala District Solapur, by which order, the application for amendment of the plaint has been rejected.

2 The Suit in question being Regular Civil Suit No.109 of 2005, has been filed for perpetual injunction and is founded on the fact that the Defendants are disturbing or obstructing the possession of the Plaintiffs. In the said Suit, the Plaintiffs have moved the instant application Exhibit 165 for amendment of the plaint and incorporate paragraph Nos. 7(a) and 10(a). A perusal of the averments in the proposed amendments discloses that the Plaintiffs want to virtually plead the evidence and place it on record. The Trial Court has rejected the application on the ground that since the Suit is one for

injunction, the amendment sought is not necessary to determine the controversy between the parties.

3 In my view, no fault can be found with the order passed by the Trial Court rejecting the application Exhibit 165 as it is always open for the Plaintiffs to prove their case by leading cogent evidence. Hence no case for interference is made out, the Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]