

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9096 OF 2014

Abhaykumar Kallappa Chougule and anr. : Petitioners.
Versus
Avinash Kallappa Chougule and ors. : Respondents.

Mr. Sidharth Gadhave a/w Mr. Vijay Killedar for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 23rd September 2015

P.C.

1 The order dated 12/09/2014 allowing the Application (Exhibit 25) for amendments of the plaint passed by the learned Joint Civil Judge, Junior Division, Kurundwad, Tal.Shiror Dist. Kolhapur is taken exception to by way of the above Writ Petition.

2 The suit as originally filed was for the perpetual injunction restraining the Defendant from alienating the suit land situated in Land Gat No.1112 of village Shirdhon on the ground that the same is an ancestral property of the Plaintiff and the Defendant. It is after the rejection of the application (Exhibit 5) of the Plaintiffs on the ground that both the Plaintiff and the Defendants are entitled of a share in the property being legal heirs of deceased Kallappa and the Plaintiffs did not ask for partition which is an equally efficacious remedy available to them, that the instant application has been moved.

3 By the amendments sought the Plaintiffs seek addition of Smt. Housabai @ Kumudini Kallappa Chougule as Defendant No.2 and seek relief of partition in respect of the suit property as well as other ancestral properties of the Plaintiffs and the Defendants and consequentially addition of House property bearing CTS No.244 and 248 and also seek addition of pleadings after para Nos. 3, 6 and 7 in the suit .

4 The Trial Court has allowed the said application on the ground that the suit property being an ancestral property, incorporation of the amendments would avoid multiplicity of the proceedings.

5 In my view, having regard to the suit as originally filed, as also the amendments sought which are after the decision rendered in the application (Exhibit 5) as also having regard to the fact that the same would avoid multiplicity of the proceedings between the parties, no exception can be taken to the impugned order allowing the application for amendments. Hence no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.