

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

**WRIT PETITION NO. 2583 OF 2014**

Govind Dattu Nikam & Ors.

..Petitioners

Vs.

Keda Daval Bhamre & Anr

..Respondents

Mr. Pramod N. Joshi for the Petitioners

Mr. Arun H. Palekar for the Respondents

**CORAM : R.M.SAVANT, J**

**DATE : 5<sup>th</sup> October 2015**

**P.C. :**

1           The Writ Jurisdiction of this Court is invoked against the order dated 27-1-2014 passed by the Learned Civil Judge Junior Division, Satana, by which order the application Exhibit 29 for amendment of the plaint filed by the Respondent Nos.1 and 2 came to be allowed and the plaint was allowed to be amended in terms of the amendment sought as also the application for interim injunction.

2           The amendment sought was to include one Gokul Kheda as Plaintiff No.3 on the ground that he is the joint purchaser of the property with the Plaintiff No.2 and therefore was required to be joined as Plaintiff to the Suit. The application to the said extent was allowed on the ground that the Plaintiffs are dominus litus and it is for them to decide as to whom to be joined

as Plaintiffs and the Defendants. In so far as the amendment sought was concerned, as indicated above the same was by way of inclusion of paragraphs 3A to 3D which averments disclose the position and circumstances under which the Plaintiffs have drawn the pipeline. The Trial Court was of the view that the said averments give the details in regards to the contentions raised in the pleadings by the Plaintiffs. The Trial Court therefore was of the view that the amendment sought vide paragraphs 3A to 3D are clarificatory in nature and would result in the effectual and complete adjudication of the Suit and would also avoid multiplicity of the proceedings. The Suit is of the year 2013 and in fact the application for temporary injunction is being heard at present. The commensurate amendment to the application for temporary injunction therefore also cannot be found fault with.

3           In my view therefore, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed. All interim orders stand vacated.

**[R.M.SAVANT, J]**

**CERTIFICATE**

Certified to be true and correct copy of the original signed order