

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

WRIT PETITION NO.4609 OF 2015

Shri. Ramdas Khandu Beldare and others .. Petitioners

Versus

Shri. Vittal Chandrakant Thorape and others .. Respondents

Shri. Pramod J. Pawar, for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 2nd SEPTEMBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 11.02.2015 passed by the Learned 17th Joint Civil Judge, Junior Division, Pune, by which order the Application Exh.65 filed by the Plaintiff i.e. the Respondent herein for amendment of the plaint came to be allowed. The suit is filed for simplicitor injunction in respect of the property mentioned in paragraph 1 of the plaint. The instant Application Exh.65 has been filed by the Plaintiff for amendment of the plaint so as to give better particulars of the property. This is necessitated in view of the fact that at the time of filing of the suit the Plaintiff was not aware of the acquisition of land for the Central Government as well as which portion is required to be deleted from the property as also to give better particulars

in the light of the entries made in the 7/12 extract and the revenue record. The suit is at the stage where only the issues are framed and the affidavit of evidence is yet to be filed. The Trial Court considering the stage of the suit is at present deemed it appropriate to allow the amendment application. The Trial Court has also adverted to the fact that the amendment was required to be allowed for complete and effectual adjudication of the suit. A perusal of the amendment sought indicates that the same are clarificatory in nature and are based on the revenue record which he claims is now available to him and which discloses the situation which is now sought to be incorporated by way of amendment. In my view, having regard to the stage at which suit is at present also having regard to the nature of the amendment sought the impugned order allowing the amendment cannot be faulted with, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]