

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8360 OF 2014

Chandrakant P. Parmar & Ors.	..	Petitioners
VS.		
Vijay P. Parmar & Ors.	..	Respondents

Mr. R. D. Soni i/b. Ram & Co. for Petitioners.
Mr. Satyam Vaishnav i/b. N. N. Vaishnava & Co. for Respondent
Nos. 1 to 6.

CORAM : M. S. SONAK, J.
DATE: 16 JUNE 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] This petition questions orders dated 30 January 2012 and 4 April 2014, by which the trial Court as well as the revisional Court has permitted the respondents plaintiffs to amend the suit for bringing on record the position that the plaintiff nos. 2 and 3 have gifted their shares to the plaintiff no. 5.
- 3] The petitioners in the present petition are the original defendant nos. 2 and 5. They have been impleaded as defendants in the suit, which is otherwise seeking eviction of the defendant no. 1, because they are also stated to be the co-owners of the suit

property, but were not desirous of seeking eviction of defendant no. 1.

4] In the aforesaid context, it cannot be said that amendment to the plaint for the only purpose of placing on record the position that the plaintiff nos. 2 and 3 have gifted their shares in favour of the plaintiff no. 5, is an amendment, which ought not to have been permitted. The trial Court, as well as the revisional Court, have considered the matter in its proper perspective. There is no error of jurisdiction or perversity in the view taken by the revisional court.

5] Accordingly, no case is made out to interfere with the impugned orders. This petition is dismissed. There shall however be no order as to costs.

(M. S. SONAK, J.)