

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8065 OF 2016

Harish Baburao Kalushe and Another ..PETITIONERS

VERSUS

Rohit Narayanrao Kalushe and Others ..RESPONDENTS

....
Mr. S.V. Suryawanshi, Advocate h/f Mr. A.P. Avhad, Advocate for
petitioners.

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**CORAM : T.V. NALAWADE, J.
DATED : 21st SEPTEMBER, 2016**

ORDER :

1. This petition is filed to challenge the order made by the Trial Court on Exhibit 51 in R.C.S. No. 58 of 2012 which is pending in the Court of Civil Judge Senior Division, Paithan.

2. Present petitioners are Defendant Nos.2 and 3 in the said suit and the suit is filed for relief of setting aside the sale deed made in favour of present petitioners by some of the defendants of the suit. By filing the application for amendment, present defendants had prayed for permission for making amendment in written statement. In the initial written statement, the defendants have given detailed description of suit property

in paragraph no.1 of the plaint and now the defendants want to make correction by contending that the property sold to Defendant Nos.2 and 3 is only part of Gut No. 22 and so the boundaries of that portion need to be given and boundaries already given are in respect of the entire gut number. It can be said that this application itself was misconceived. When plaintiff claimed for relief of setting aside the sale deed executed in favour of Defendant Nos.2 and 3, the suit property is already ascertained as it is properly described in sale deed executed in favour of Defendant Nos. 2 and 3.

3. This Court holds that there is no possibility of interference in the order made by the Trial Court. Petition stands dismissed.

(T.V. NALAWADE, J.)

SSD