

rejected. Hence, the present Writ Petition.

4 The learned Counsel Mr. Sachin Chandan appearing on behalf of petitioner/plaintiff submits that Trial Court erred in coming to the conclusion that if amendment is allowed, the same will change the nature of the suit. He submits that plaintiff in the plaint in paragraph 1(c) given description of the suit property. In that plaint, it is specifically stated that the same was divided in Plot Nos. 1 to 10. He submits that by way of amendment, the plaintiff wanted to place on record the full description of the suit property including area of each and every plot. He submits that if amendment is allowed, same is not going to change nature of suit and will not going to affect an interest of the defendants. In support of his contentions, he relies on the Judgment of the Apex Court in the matter of *Sajjankumar V/s. Ram Kishan, reported in (2005) 13 Supreme Court Cases 89* and the Judgment of this Court in the matter of *Rajbahaddur Jiyaram Yadav v/s. Prakash @ Pappu Jiyaram Yadav & Ors. reported in (2016) 1 AIR Bom R 631*. On the basis of these submissions and authorities, the learned Counsel for the plaintiff submits that the impugned order passed by the Trial Court is required to be set aside.

5 I have gone through the copy of plaint as well as application filed by the plaintiff for amendment of plaint. First thing is that before the Trial Court, plaintiff as well as defendants argued the matter finally. The matter was posted for reply of plaintiff on 18.11.2015. At that time, the plaintiff filed an application for amendment of plaint. It is to be noted that plaintiff in the plaint given the description of the suit

property that the same was divided in plot nos. 1 to 10. The plaintiff as well as defendants finally argued the matter and same was placed for reply of the plaintiff. The Authorities cited by the learned Counsel for the Plaintiff in the matter of Sajjan Kumar (supra) and Rajbahaddur Jiaram Yadav(supra) are not applicable to the facts and circumstances of the present case. In that case, the Supreme Court held that amendment can be allowed by providing proper description of the suit property, even the matter is kept for final hearing. In the case in hand, the description of the suit property was already given by the plaintiff in paragraph 1 of the plaint.

6 In the above mentioned facts, I do not find any reason to interfere with the well reasoned order passed by the Trial Court.

7 Hence, Writ Petition stands rejected. No order as to costs.

(K.K.TATED, J.)