

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

WRIT PETITION NO. 7711 OF 2013

Chandrakant Ganesh Chikurde	 Petitioner
Versus	
Shashikant Ganesh Chikurde & Ors.	 Respondents

Amit Sale for Petitioner.
G.T.Kanchanpurkar for Respondents.

***CORAM : N. M. Jamdar J.
Tuesday 20 December 2016***

P.C.

. Heard learned Counsel for the parties.

2. The Petitioner who is a co-plaintiff in Regular Civil Suit No. 345 of 2005 has challenged the order dated 15 January 2013 passed by the Civil Judge Junior Division, Sangli, permitting amendment to the plaint at the behest of Respondent Nos. 5, 6 and 7 i.e. Plaintiff Nos. 1-A, 1-B, 1-F, 1-G, 1-H & 1-I. The learned Counsel for Petitioner submitted that in the amended portion, various averments have been made in respect of a Will stated to be executed by Smt. Shantabai Ganesh Chikurde. He submitted that the factum of the alleged Will is in dispute. The learned Counsel also submitted that in the amended portion, only the need of these

Respondents/Applicants has been pleaded, which will affect the case of bonafide requirement of the Petitioner.

3. As far as the interse dispute between the parties as regard the Will is concerned, merely because an amendment is permitted, it will not *ipso facto* mean that the dispute which is pending before the Competent Court is adjudicated. Therefore, it is clarified that the dispute as regard the alleged Will, will be considered on its own merits by the Competent Court where the proceedings are pending. As regard the need pleaded by the Respondents/Applicants in the amended portion, they have clarified that there is no change in the bonafide requirement pleaded in the plaint. Even otherwise, the bonafide requirement of all the plaintiffs will have to be considered and the need pleaded in the amended portion have to be construed, at the most, as an additional need, and not the sole need of the Plaintiffs.

4. In view of these clarifications, no interference in the impugned order is warranted. Writ Petition is accordingly disposed of.

(N. M. Jamdar, J.)