

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

WRIT PETITION NO. 560 of 2016

Devidas Tatyrao Jadhav,
age 42 years occupation service & agriculture
R/o behind bus stand, Chakur Taluka Chakur Dist. Latur.

...PETITIONER

VERSUS

1. Haribai W/o Ananda Jadhav, age 60 years,
2. Ananda S/o Gyanoba Jadhav, age 68 years
3. Govind S/o Ananda Jadhav, age 43 years
4. Gopal S/o Ananda jadhav, age 41 years
5. Gokul S/o Ananda Jadhav, age 28 years

All agriculturists by occupation and
R/o near Latur road Railway Station, Latur road,
Taluka Chakur Dist. Latur.

...RESPONDENTS

Mr T.M. Venjane, Advocate for petitioner.

Mr A.V. Patil, Advocate, holding for Mr S.P. Dhobale, Advocate for
respondents No. 1 to 5

CORAM : NITIN W. SAMBRE, J.

DATE : 15th November, 2017

ORAL ORDER :

In Regular Civil Suit No. 126 of 2011 application (Exh.43)
moved by the petitioner/plaintiff for amendment of the plaint is
rejected by the impugned order dated November 20, 2015.

2. It is case of the plaintiff that having purchased land to the extent of 91R from land Gat No. 200, mistakenly, in the sale deed, reference of Gat No. 202/Kha is made. Based on the same, he sought injunction from dispossession and also mandatory injunction to correct the Gat No. in sale deed.

3. By way of evidence, plaintiff/petitioner intends to bring on record that he has laid pipeline upto well in Gat No. 201 from his Gat No. 200 to demonstrate his possession so as to establish his possession, which fact is necessary to be brought on record.

4. The claim is opposed by Shri Patil, learned Counsel for respondents, on the ground that said could be part of evidence, which need not be pleaded.

5. As recording of evidence in the suit is yet to be commenced, in the interest of justice, application is allowed, subject to payment of costs of Rs. 3000/- (Rs. Three thousand only) to the respondents, to be paid before the Trial Court, within three weeks from today.

6. Order impugned dated 20th November 2015 is quashed and set aside. Application for amendment Exh. 43 stands allowed.

7. Respondents/defendants are at liberty to carry out consequential amendment within a period of four weeks from the date of amendment carried out.

8. The petition stands allowed in above terms.

(NITIN W. SAMBRE, J.)

pjm