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

WRIT PETITION NO. 3373 OF 2016

Ramdas s/o Pandurang Kakde ..PETITIONER

VERSUS

Bhagaji s/o Pandurang Kakde & ors ..RESPONDENTS

Ms. Langhe Pooja V & V R Lange, Advocate for
Petitioner;
Mr. F.R. Tandale, Advocate for Respondent Nos. 1 to
3.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th SEPTEMBER, 2017

ORAL ORDER :

Having heard the respective counsel for
sometime, I hardly see any reason to interfere
with the impugned order permitting amendment to
the written statement as passed by the learned
District Judge, Aurangabad, in Regular Civil
Appeal No. 181/2013, arising out of decree for
partition passed in Regular Suit No. 1137/2007.

2. However, it is clarified that the
additional evidence, if any, to be recorded,

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will be restricted only to the amended portion and no new issue will be permitted to be raised in the evidence, provided the Appellant before the Appellate Court intends to come with a plea for recording of evidence.

3. With the above observations, Writ Petition is disposed of.

4. The costs of Rs. 2000/- plus Rs. 1000/- as ordered is enhanced to Rs. 10,000/- to be deposited before the lower Appellate Court to which the petitioner will be entitled.

(NITIN W. SAMBRE, J.)

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