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

WRIT PETITION NO. 11924 OF 2016

1. Bakshumiya s/o Hussainsab Sayyad,
Age: 76 years, Occu: Agril.,
2. Ujaloddin s/o Bakshumiya Sayyed,
Age: 44 years, Occu: Agril.
3. Hussain s/o Bakshumiya Sayyed,
Age: 47 years, Occu: Agril.
4. Aliajgar s/o Bakshumiya Sayyed,
Age: 35 years, Occu: Agril.

All R/o. Chakur, Tq. Chakur,
Dist. Latur

..PETITIONERS

VERSUS

Uttam s/o Bhagwanrao Jadhav (Patil),
Age: 57 years, Occu: Agril.,
R/o. Kudmul, Tq. Chakur,
Dist. Latur
Now at present R/o Shivaji Nagar,
Near Udyog Bhavan, Latur,
Tq. & Dist. Latur

..RESPONDENT

Mr D. R. Jaybhar, Advocate holding for Mr L. S. Shaikh, Advocate for petitioners;
Mr J. R. Patil, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 25th September, 2017

ORAL ORDER

Though the learned Counsel appearing on behalf of the petitioners has tried to pursue me to allow the amendment as sought for, before the learned Trial Court, the order impugned, in my opinion, does not call for any interference, for following reasons:

(2)

(a) The present petitioners have already filed their affidavit, wherein they have stated that on the northern side of their land, land of the defendant is located;

(b) The same statement could be noticed in the plaint, as stated in clause (a) above;

(c) P.W.1 has already entered into the witness box and stated contrary to aforesaid statement; and

(d) If same is allowed, that would tantamount to filling in the lacunas, as has been rightly held by the Court below.

For the reasons stated above, writ petition stands dismissed.

(NITITIN W. SAMBRE, J.)

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