

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

WRIT PETITION NO. 4193 OF 2017

Smt. Yashodabai Nivrutti Kale & Ors.

...Petitioners

Versus

Shri. Kashinath Shripati Kale
(Since deceased) through legal heirs
Shri. Baban Kashinath Kale & Ors.

...Respondents

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Mr.Sanjiv A. Sawant a/w. Mr.Balvendra Singh for the Petitioners.
Mr. Sachin V. Khandagale a/w. Mr. Vipinchandra R. Kasle for
Respondent Nos. 1A to 1E, 4A to 4D and 6 to 8.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 19, 2017**

P.C. :

1. Rule. Rule made returnable forthwith. By consent, petition is heard finally and disposed of at the stage of admission.
2. This petition is directed against the order dated 31.07.2015 passed by the learned Civil Judge, Junior Division, Saswad, Pune below Exhibit 49 in Regular Civil Suit No. 63 of 2002 thereby rejecting the application for amendment in the plaint.
3. The petitioners are the original plaintiffs. He had sought an amendment in paragraph nos. 4,5 and 6 of the plaint. In paragraph

nos. 4,5 and 6, the date of the sale deed was recorded as 12.02.1926 and 13.02.1926. It is submitted that the correct date of sale deed is 15.09.1926 and to that effect only the amendment is sought. The said amendment was disallowed by the trial Court. Hence this Writ Petition.

4. The learned counsel for the petitioners has submitted that the said sale deed is on record and marked at Exhibit 55 and the date mentioned therein is 15.09.1926.

5. The learned counsel for the respondents while opposing this petition has submitted that this amendment is neither just nor necessary to adjudicate the matter. He has further submitted that neither the plaintiffs nor the defendants relying on the sale deed dated 15.09.1926. The said sale deed is admitted in the evidence and the date can be directly read hence, the amendment is not required.

6. Heard submissions. Perused impugned order and the sale deed. The sale deed is exhibited in the evidence at Exhibit 55. The correct date of the sale deed is 15.09.1926 and by way of amendment the petitioners seek only correction in the date of the sale deed. It appears that there is a typographical mistake and in order to prove consistency in the record, the amendment is allowed. The order dated 31.07.2015

passed by the learned Civil Judge, Junior Division, Saswad, Pune is set aside.

7. Rule made absolute in terms of prayer clause (a). Amendment to be carried out forthwith. Parties to co-operate with the trial Court. The trial Court is directed to proceed with the matter and expedite it.

8. In view of the above, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)