

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

35 WRIT PETITION NO. 11545 OF 2017

MANGAL PANDURANG PAWAR AND OTHERS
VERSUS
LALCHAND DEVSING PATIL

...

Advocate for Petitioners : Mr. V. P. Patil
Advocate for Respondent : Mr. G. S. Rane

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CORAM: V. K. JADHAV, J.
DATED: 26th February, 2018.

PER COURT :-

1. It appears from the impugned order passed by the trial court rejecting the application Exh.30 seeking amendment in the plaint that, though, the proposed amendment (second) is extremely formal in nature, it appears from the pleadings that, in fact, wife of the original plaintiff No.1 was suffering from cancer and instead of mentioning the same in the application Exh.30 seeking amendment in the plaint, inadvertently reference has been given to the wife of plaintiff No.2. In fact, the wife of the plaintiff No.2 is neither the party to the suit, nor any reference is given in the plaint to her. However, the trial court has rejected application Exh.30 mainly on that ground.

2. In view of the same, the petitioners/original plaintiffs deserve to be permitted to file an application seeking amendment in the plaint to the extent as claimed in the earlier application with corrections, if any, to the extent as observed here-in-above and, the trial court may consider the same without getting prejudiced of the rejection of the earlier application.

3. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

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vsm/-