

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

WRIT PETITION NO.5949 OF 2019

YUNUS HUSSAIN SHAIKH
VERSUS
AHAMAD MAHEBOOB SHAIKH AND OTHERS

...
Advocate for the Petitioner : Shri Shelke Manoj U.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 13th June, 2019

Per Court:

1 The petitioner/ original defendant no.1 is aggrieved by the order dated 30.10.2018 passed by the Trial Court vide which, the application exhibit 49 filed by the plaintiff in RCS No.417/2015 seeking an amendment in the plaint, has been allowed with imposition of costs.

2 This petition has been filed on 06.03.2019 and as none appeared for the petitioner on 07.06.2019, was posted today for passing orders.

3 I have heard the learned advocate for the petitioner, who has drawn my attention to the grounds formulated in the memo of the petition.

4 There is no dispute that on 12.04.2018, the sale deed at issue in the suit underwent a correction by the correction deed. Respondent no.1/ original plaintiff had already led evidence. The said sale deed was

dealt with in the evidence and according to the plaintiff, the same has been proved. Since the sale deed, which is on record, has undergone a correction, the plaintiff desired to amend the plaint in view of this event, which occurred subsequently and which would impact the sale deed, which is on record.

5 The learned advocate for the petitioner/ original defendant no.1 submits that the plaintiff desires to fill up the lacuna and hence, the application has been filed.

6 In my view, the Trial Court has rightly concluded that the pleadings can be amended in accordance with law for effective and complete adjudication. Unless serious prejudice or an irreparable loss is caused to the other side, an amendment can be permitted. So also, the Trial Court has held that as the sale deed has undergone a correction, the plaintiff will have to amend the plaint since failure to do so, would affect the rights of the parties, if he succeeds and puts the decree for execution. The Trial Court has also imposed costs of Rs.1000/- on the plaintiff.

7 I do not find that the impugned order could be termed as being perverse or erroneous or is likely to cause gross injustice to the petitioner. This Writ Petition, being devoid of merit, is, therefore, dismissed.