

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9016 OF 2019

Vijaykumar Vasantrao Gujrathi & Anr. ...Petitioners

Versus

Subhandra Balasaheb Nimbalkar & Ors. ...Respondents

.....
Mr. A.S.Shelke, Advocate for the Petitioners.
.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 24-07-2019.

PER COURT :

01. The petitioners, who are original defendant Nos. 4 and 5, are aggrieved by the Order dated 2.12.2017 passed by the Trial Court allowing the application Exh. 34 by which the plaintiff is permitted to amend his plaint in R.C.S. No. 456/2015. The learned Advocate for the petitioners has strenuously criticized the impugned Order. He has drawn my attention to the grounds formulated in the memo of the petition and he submits that the amendment could not have been allowed by the Trial Court.

02. I have perused the application for seeking amendment Exh. 34 and the issues cast by the Trial Court.

It appears that the plaintiff realized that the some of the properties were left out from the common hotch potch. As the issues were cast on 2.2.2017, Exh. 34 was filed on 22.3.2017.

03. Considering the amendment sought and the impugned Order dated 2.12.2017, I do not find that the Order could be termed as being perverse or erroneous or was likely to cause grave injustice to the petitioner.

04. In the light of the above, the petition being devoid of merits is, therefore, dismissed.

05. The learned Counsel for the petitioners points out that after the amendment, the suit has not progressed for more than 3 years and is still at the stage of recording of evidence.

06. In view of the above, and upon considering the age of the litigating sides, I deem it appropriate to direct the Trial Court to decide R.C.S. No. 456/2015 as expeditiously as possible and preferably on or before 31.7.2020.

[RAVINDRA V. GHUGE]

JUDGE