

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

WRIT PETITION NO. 11512 OF 2019

**BHAVANIDAS BHALCHANDRA KULKARNI
VERSUS
NAVNEET BANSILAL RATHI AND OTHERS**

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Advocate for the Petitioner : Shri M. M. Joshi
AGP for Respondent Nos. 16 to 18 : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th SEPTEMBER, 2019.

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PER COURT :

1. The petitioner / original defendant No. 4 in Regular Civil Suit No. 139/2017, is aggrieved by the order dated 15/04/2019 filed by the plaintiffs, by which, liberty to amend the plaint in terms of the proposed paragraph 17, has been allowed.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner and have gone through the 10 grounds formulated in the memo of the petition. He points out that though the suit is posted for recording of oral evidence of the plaintiffs since 2018, these plaintiffs have been seeking adjournments on various grounds. He further submits

that though the suit appears to be only two years old, the plaintiffs are not allowing the Court to proceed by seeking adjournments.

3. I find from Exhibit 45 that the plaintiffs inadvertently did not mention the name of plaintiff No. 15 who had purchased the property alongwith his wife from the original owner Abdul Bin Mubaraq. This is the only sentence sought to be added in the plaint.

4. I do not find that the proposed amendment would change the nature of the suit or introduce a new cause of action. This petition, being devoid of merit is, therefore, dismissed.

5. In the event, the petitioner finds during the trial of the suit that the plaintiffs are unreasonably seeking adjournments, he would be at liberty to point this out to the Trial Court and seek appropriate orders.

(RAVINDRA V. GHUGE, J.)

shp/-