

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

973 WRIT PETITION NO.5495 OF 2016

HARISHCHANDRA VASANT DEVIDAS DHAKAD
VERSUS
JANKIRAM LILACHAND DHAKAD AND ANOTHERS

Advocate for Petitioners : Mr. Pravin S. Patil

CORAM : M. S. KARNIK, J.

DATE : 23rd AUGUST 2019

PER COURT

Heard learned counsel for the petitioner.

2. By this petition filed under Article 227 of the Constitution of India, petitioner seeks to challenge the order dated 26th October, 2015 passed below application (Exhibit-19) in Regular Civil Suit No. 110 of 2014 . The plaintiff had filed an application (Exhibit-19) for amendment after filing of the written statement by the defendant. Suit is for partition and separate possession. In the application for amendment, the plaintiff had wanted to correct the description of relationship between the parties and also stated that there was a typographical mistake in stating the relationship. He wanted to inter-change the name "Kantabai" with the name "Shantabai". It was also prayed by way of this amendment that Yamunabai is daughter of Kantabai and plaintiff is not the daughter of Shantabai.

3. Learned counsel for the petitioner submitted that the application for amendment is moved only after written statement was filed by the defendant. According to the learned counsel for the petitioner, the plaintiff was not diligent in prosecuting the suit. He would submit that the said mistake is not *bona fide* mistake.

4. I have gone through the order passed by the learned Trial Court allowing the application for amendment. The application for amendment was made even before the issues were framed. The plaintiff wanted to correct the description of the relationship mentioned in the plaint. The learned Trial Court has allowed the amendment by imposing costs of Rs.500/- . This in no manner prejudices the petitioner nor does it change the nature of suit. I see no reason to interfere with this order passed by the learned Trial Court. In view of this, the petition is rejected and disposed of with no order as to costs.

(M. S. KARNIK, J.)