

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**918 WRIT PETITION NO.586 OF 2020**

MADAN MARUTI DOLE AND ANOTHER  
VERSUS  
SUMANBAI MURLIDHAR DOLE

...  
Advocate for Petitioners : Mr. Jadhavar Shivprasad G.

..  
**CORAM: ROHIT BABAN DEO, J.**

Date: JANUARY 10<sup>th</sup>, 2020

...

**PER COURT :-**

1 The defendants are challenging an order rendered by the Joint Civil Judge, Senior Division, Nevasa, whereby subject to payment of costs of Rs.500/- the plaintiff is permitted to amend the plaint.

2 A finding is recorded that, what is introduced by way of amendment are the developments which have occurred in pending proceedings before the authorities under the Prevention of Fragmentation & Consolidation Act, 1947. The developments have occurred during pendency of the suit.

3 The learned counsel for the petitioner would submit that the proceedings to which a reference is made have not reached the logical end and as yet there is no sanction to the correction of the consolidation scheme. The learned counsel has argued on the merits of the contentions which are introduced by amending the plaint which according to me, cannot be touched at this

stage. The merits or lack thereof in the contentions which are introduced by amending the plaint shall be considered by the Trial Court at an appropriate stage.

4 The defendants may amend the written statement appropriately, if so advised.

5 I do not see any reason to interfere in the writ jurisdiction.

6 The petition is dismissed.

**(ROHIT BABAN DEO, J)**

vbd