

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.3381 OF 2020

PRAKASH GOPALRAO PURANIK AND OTHERS
VERSUS
GANGABAI RAMJI KUNDGIR AND OTHERS

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Advocate for Petitioners : Shri Gangakhedkar Shailendra S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 03, 2020

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PER COURT :-

1. The petitioners / plaintiffs in RCS No. 6 of 2003 are partly aggrieved by the order dated 1.1.2020 passed by the trial Court, by which, application Exhibit 70 filed by the plaintiffs seeking amendment for adding paragraph No.23/1, has been partly allowed. Grievance is that the trial Court has permitted addition of line Nos.14 to 28 under the proposed paragraphs and line Nos.1 to 13, have been ignored.

2. The learned Advocate for the petitioners has strenuously canvassed the grounds formulated in the memo of the petition and submits that the impugned order to the extent of the rejection of Exhibit 70, deserves to be quashed and set aside. Line Nos.1 to 13 are necessary and the application Exhibit 70 should have been allowed in its entirety.

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3. I have perused line Nos.1 to 13 of the proposed paragraphs. They pertain to the defendant No.3 being in the service of a College prior to June 2019. As a Principal, he had issued School Leaving Certificates to several students. Crime No.3001 of 2009 was registered against him with the Pimpaldari Police Station and he has been subsequently acquitted from the said proceedings.

4. I find that the suit has been filed for seeking permanent injunction against four defendants, so as to restrain them from disturbing the peaceful enjoyment of the petitioners of an agricultural land. Whether defendant No.3 was subjected to a criminal case or whether he has been acquitted, has no nexus with the prayer of seeking permanent injunction and quashment of a sale deed dated 25.3.2009. So also, as the pleadings with regard to the sale deed dated 25.3.2009 and a prayer for seeking quashment of the said sale deed are already on record, the plaintiffs can lead evidence in support of the said prayer. Line Nos.1 to 13 would not be relevant.

5. In view of the above, this petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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