

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO.9518 OF 2017

ASHA SUNIL SONAWANE
VERSUS
MUKTA SHARAD HASE AND OTHERS

...
Advocate for Petitioner : Mr. R.D. Bhalerao
Advocate for Respondent Nos.1 to 3: Mr. A.N. Nagargoje
...

CORAM : V. K. JADHAV, J.
DATED : 20th January, 2020

PER COURT :-

1. Heard both the sides.
2. It appears that the trial court has rejected the application Exhibit-61 filed by the present petitioner – original plaintiff under Order VI Rule 17 of the Civil Procedure Code for carrying out the amendment in the pleadings mainly on the ground that the petitioner – plaintiff has only deposited the amount through *chalan* in the Deputy Superintendent of Land Records, Sangamner for carrying out the measurement in respect of the suit property along with some fifty one persons and the said measurement is yet not carried out by the said authority. In view of the above, the application Exhibit-61 is a premature application.

3. Learned counsel for the petitioner, on instructions seeks leave to withdraw this application with liberty to the petitioner – original plaintiff to file an appropriate application under Order VI Rule 17 of CPC before the trial Court on the basis of the report of measurement now available in the record of the Deputy Superintendent of Land Records, Sangamner or with the office of the land record in the District.

4. Leave granted. The writ petition is dismissed as withdrawn with liberty to the petitioner – original plaintiff to file an application under Order VI Rule 17 of CPC for amendment in the pleadings in terms of the measurements, if any, carried out by the land record office and if any encroachment on the part of the respondents - defendants on the suit property is shown in the said measurement.

5. The writ petition is accordingly disposed off.

(V. K. JADHAV, J.)

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