

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

18. WRIT PETITION No. 353 / 2020

Shivnath Dhondiba More and others

... Petitioners

VERSUS

Lata Ravsaheb Wagh and others

...Respondents

Mr. P.R. Nangare, Advocate for petitioners

CORAM : ROHIT B. DEO, J.

DATE : 15th January, 2020

PER COURT :

1. The petitioners, who are defendants No. 1 to 7 in Reg. Civil Suit No. 429/2012 brought for declaration and injunction, are aggrieved by the order dated 3rd August 2019, whereby the Trial Court permitted the plaintiffs-respondents No.1 to 4 to amend the said plaint.

2. The only averment, which is introduced, is that the father of the plaintiffs did not die on 14th April 2012 and he died due to natural calamity on 14th March 2012.

3. The learned Counsel for the petitioners-defendants invites my attention to paragraph No.6 - the reply filed before the Trial Court opposing the application for amending the plaint.

The petitioners-defendants had contended in the reply that several complaints/representations seeking the correction of the date of death were made to various authorities, and the complaints/representations were not entertained.

4. The objection of the petitioners touches the merits of the amendment. While allowing the amendment, the Trial Court is not expected to make any definite observation or for that matter even to consider in any detail the merits of the averments, which are introduced by way of amendment. The contention of the petitioners-defendants shall have to be considered by the Trial Court on merits and at an appropriate stage.

5. The petitioners are at liberty to file amended written statement, if so desired.

6. I do not find any error in the order impugned muchless an error as would warrant interference in the Writ Jurisdiction. The petition is dismissed.

(ROHIT B. DEO)
JUDGE