

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

**WRIT PETITION NO.13718 OF 2019**

Arun Digambar Gabale

Petitioner

Versus

Smt. Suvarna Ravindra Gabale

Respondent

Mr.Vivek V.Bhavthankar, advocate for the petitioner  
Mr.P.N.Nagargoje, advocate for the sole-Respondent.

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 23<sup>rd</sup> July, 2021.**

**PC :**

1            Heard Mr.Bhavthankar, learned Counsel for the petitioner, who takes an exception to the impugned order dated 13.09.2019, passed by the Civil Judge, Senior Division, Udgir, rejecting the application for amendment of the written statement.

2            The contention is that, that the proposed amendment is only an explanation to the plea already raised in para 3 of the original written statement and, therefore, was necessary to have been allowed, more so, when the evidence in the matter is yet to commence since the matter is pending at the stage where issues have been framed.

3           Though Mr.Nagargoje, learned Counsel for the Respondent, opposes the same, it is an admitted position that the trial has not yet commenced and the proposed amendment merely seeks to elaborate the defence already raised in para 3 of the written statement.

4           That being the position, the impugned order is hereby quashed and set aside. The application for amendment is allowed. The defendant shall carry out the amendment within a period of one week from today, upon production of a net downloaded copy of this order before the trial Court. Upon the amendment being made, copy of the amended written statement shall be supplied to the plaintiff within one week thereafter. The plaintiff is at liberty to consequentially amend the plaint, if she so deems necessary. In case, the plaintiff does not deem it necessary to amend the plaint, the plaintiff shall file her affidavit in evidence within one week thereafter before the trial Court. The trial Court is directed to decide the matter as expeditiously as possible and in any case, within a period of nine months from the production of the net downloaded copy of this order. Mr.Nagargoje ensures that his client shall cooperate for expeditious hearing and disposal of the

proceeding before the trial Court.

5           Writ Petition is accordingly disposed of.

**(AVINASH G. GHAROTE)**  
**JUDGE**

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