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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3306 OF 2021**

Nandu Ramchandra Bagade
and another

....Petitioners

V/s.

Shri. Ramchandra Krushnaji Kamble
deceased thorough heir Navnath
Ramchandra Kamble

.....Respondent

Mr. Amol L. Dhumal for the Petitioners

**CORAM : NITIN W. SAMBRE, J.
DATE: JULY 26, 2021.**

P.C.:

1] In a suit for partition, application Exh. 58 moved by the Plaintiff seeking permission to effect the amendment granted vide order dated 28/07/2009 came to be allowed subject to payment of cost. Defendant has questioned the said order on the ground that Suit has already reached at the stage of final hearing and in view of Order VI Rule 18 of Code of Civil Procedure, 1908, amendment ought not to have been permitted to be carried as was granted on 20/07/2009 at such belated stage.

2] At the outset, it is required to be noted that Suit is for partition and status of the parties to a partition Suit is always that of co-plaintiffs.

3] Apart from above, even if the amendment is carried out, no prejudice is likely to be caused to the petitioner particularly when final argument in the Suit is already over. The petitioner is not taken by surprise as it was in his knowledge that such amendment was allowed way back which was not questioned till this day.

4] Limitation of 14 days as prescribed under Order VI Rule 18 of C.P.C. is only for the purpose for following the procedure. That being so, no case for interference in extraordinary jurisdiction is made out. Petition fails, stands dismissed. However, cost of Rs. 2,000/- ordered by the Trial Court is enhanced to Rs. 5,000/- to be deposited before the same Court within period of 4 weeks from the date of production of this order by the Petitioner, to which Respondent shall be entitled to withdraw.

[NITIN W. SAMBRE, J.]