

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.841 OF 2017

Mr. Jotiram Laxman Jadhav

...Petitioner

vs.

Santosh Laxman Jadhav

...Respondent

Mr. Vaibhav R. Gaikwad for Petitioner.

Mr. Kirankumar J. Phakade for Respondent.

CORAM : AMIT B. BORKAR, J.

DATE : 26 NOVEMBER 2021

P. C. :

By this petition under Article 227 of the Constitution of India, petitioner is challenging the order rejecting application for amendment.

2. The suit originally filed is for injunction in relation to the suit property. In the said suit the plaintiff has filed an application for amendment to incorporate prayer for partition of the suit property. Learned trial court by impugned order has allowed the application for amendment on the ground that the amendment would not change the nature of the suit.

3. I have heard Mr. Gaikwad for petitioner and Mr. Phakade for respondent. After carefully considering the pleadings on record it appears that though the initial suit is for injunction but to avoid multiplicity of

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proceedings, the amendment is sought by the plaintiff, deserves to be granted. It is not the case of respondent that the application for amendment has been filed with an intention to delay the proceedings or malafides have been attributed to the plaintiff.

4. In the above circumstances, plaintiff had made out case for grant of amendment. There is positive exercise of jurisdiction by the learned trial Court. There is no error of jurisdiction on the part of learned Trial Judge. There is no merit in the petition. Petition is therefore dismissed.

(AMIT B. BORKAR, J)