

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4696/2021

Anil Dinkarrao Gudadhe

...Versus...

Sumit Ashokrao Dahane and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. P.R.Agrawal, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/11/2021

Heard Mr. Agrawal, learned counsel for the petitioner. The petition challenges to order dated 2.9.2021 whereby the application for amendment of the plaint has been permitted. Learned counsel submits that the amendment changes the nature of the suit and therefore, ought not to have been permitted.

At the outset it is necessary to note that the suit was filed on 1.1.2021, and is at a very nascent stage in which even the application for injunction at Exh.5 is yet to be heard and decided. The very purpose of an amendment is to avoid multiplicity of litigation. This position has been clearly considered by the learned Trial Court, who has also found that some of the averments as made in the amendment are merely with an intention to elaborate the position already on record.

Considering the above position, I do not see any infirmity in the impugned order. The petition is, therefore, without any merit and is dismissed. Needless to say that the defendants have the right to make a consequential amendment.

JUDGE

rvjalit