

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

**925 WRIT PETITION NO.12160 OF 2022**

**KAMALBAI BABASAHEB DONGRE  
VERSUS  
ABHIMAN BABURAO GHOLAP AND OTHERS**

...  
Advocate for Petitioner : Mr. Kishor J. Ghute Patil

...  
**CORAM : SANDEEP V. MARNE, J.**

**DATE : 05-12-2022**

**PER COURT :**

. By this petition, petitioner has challenged the order dated 07.01.2022 passed by 3<sup>rd</sup> Jt. Civil Judge Junior Division, Beed below Exh.86 in Regular Civil Suit No.123 of 2013 rejecting his application for amendment. Admittedly the trial in the suit has commenced. Defendant nos.2 and 3 have filed written-statement on 11.03.2013 specifically contending that they had erected fencing on all four sides of the suit property and have constructed one tin sheet shed room in which they have been residing since the year 1997. This position was made known to petitioner - plaintiff in the year 2013 itself. However after the evidence in the suit commenced, an application was filed on 07.10.2020 contending that plaintiff noticed erection of fencing and construction of room 2 - 3 months before filing of the amendment application.

2. This leaves no matter of doubt that the only purpose for filing amendment application was to delay the trial of the suit. Despite being aware of the position that fencing was erected and room was constructed in the year 2013 itself, plaintiff – petitioner failed to take any steps and filed application for amendment after lapse of 7 years. In such circumstances, the trial Court has correctly rejected petitioner's application for amendment. Petition is devoid of merits and the same is dismissed without any orders as to costs.

( SANDEEP V. MARNE, J. )

GGP