

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

950 WRIT PETITION NO.7826 OF 2022

MUNICIPAL CORPORATION THROUGH ITS  
COMMISSIONER / ADMINISTRATOR  
VERSUS  
SABIYA SULTANA MOHAMMAD HUSSAIN BABA  
MASTAN AND OTHERS

...  
Advocate for Petitioner : Mr. Bhandari Anand P.  
AGP for Respondent 3 : Mr. S N Morampalle

...  
CORAM : SANDEEP V. MARNE, J.  
Dated : November 25, 2022

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**PER COURT :-**

1. By this petition, petitioner assails the order dated 28.1.2022 passed by the Civil Judge, S.D. (Corporation Court), Aurangabad on application exhibit 95, thereby allowing the amendment in the plaint.

2. Suit is filed by the plaintiff for mandatory and perpetual injunction for demolition of the suit property. Boundaries of the suit were described in paragraph no.1 of the plaint. By filing amendment application dated 24.11.2021, plaintiff sought to correct the description of the suit property by alteration of the boundaries. Application has been allowed by the trial court.

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3. True it is that the plaintiffs have sought to completely alter the boundaries of the suit property in all four directions by amending the plaint. The amendment was opposed on the ground that the plaintiffs were trying to fill up serious lacuna in their case. Be that as it may. Trial in the suit is yet to progress. In such a case, plaintiffs would be at liberty to correctly describe the suit property by removing any error. The trial court has not committed any error while allowing amendment application by imposing costs. Petition is devoid of any merits. Petition stands dismissed without any order as to costs.

**( SANDEEP V. MARNE, J. )**

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