

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

953 WRIT PETITION NO. 2018 OF 2022  
WITH CA/8390/2022 IN WP/2018/2022 WITH CA/8391/2022 IN  
WP/2018/2022

DHONDIBHAU BABURAO SHINDE  
VERSUS  
DATTU PARBAT SHINDE SINCE DECEASED THROUGH HIS LRS  
BHAMABAI DATTU SHINDE AND OTHERS

...

Advocate for Petitioner : Mr K.N. Shermale

**CORAM : SANDEEP V. MARNE, J.**  
**DATE : 2<sup>nd</sup> DECEMBER, 2022**

**PER COURT :**

1. By this petition, petitioners challenge order dated 5<sup>th</sup> January, 2022 passed by the 4th Civil Judge, Senior Division, Sangamner rejecting petitioner's application for amendment filed under Order VI Rule 17 of the Code of Civil Procedure.

2. I have gone through the proposed amendment as well as the prayers made in the suit. In the amended plaint, the plaintiff has sought reliefs against defendant No.1. Particularly prayer clause (B) in the plaint seeks injunction against defendant No.1 from interfering in possession of the plaintiff. Defendant No.1 has died and his legal heirs are already brought on record. Only amendment that was sought to be carried out was to replace "defendant No.1" with words 'legal heirs of defendant Nos.1A to 1E' at many places in the plaint. In my view, once relief is sought against defendant No.1, the same would bind all the legal heirs of defendant No.1. Any order or decree passed by the trial court against defendant No.1

would obviously be binding on the legal heirs of defendant No.1 being defendant No.1A to 1E. The amendment, in my view, was absolutely unwarranted and has rightly been rejected by the trial court.

3. The writ petition is devoid of merits and same is disposed of without any orders as to costs.

4. The pending civil applications are disposed of.

**[ SANDEEP V. MARNE, J.]**

mta