

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3703 OF 2020**

ANANDA TUKARAM PATIL
VERSUS
RAMPRASAD BHAGWAN SONAWANE ALIAS WANI

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Mr. Ameya N. Sabnis, Advocate for the Petitioner.

Mr. S. M. Ganachari, Advocate for Respondent.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 16th DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioner challenges the order dated 09.04.2019 passed by the 8th Joint Civil Judge, Junior Division, Jalgaon allowing plaintiff's application for amendment of plaint.

2. Admittedly, the trial in the suit is yet to commence.

3. Mr. Sabnis, learned counsel appearing for petitioner fairly submits that the amendment does not change the nature of the suit. In that view of the matter, even though plaintiff can be said to be negligent in not incorporating the events which had already taken place prior to the institution of the suit in the plaint, the Trial Court has rightly allowed the application for amendment.

4. In **Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited & Anr.**, AIR 2022 SC 4256, the Apex Court has held that the Court should be liberal in allowing the amendments before commencement of the trial if the amendment do not change the nature of the suit. The Trial Court thus has not committed any error in allowing the amendment application.

5. The petition is devoid of merits. The same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE

Devendra/December-2022