

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

WRIT PETITION NO.744 OF 2022

**SURYAKANT BHAGWAN BACHATE AND OTHERS
VERSUS
ANKITA AMOL BACHATE U/G OF NATURAL MOTHERS SMT
SARIKAAMOL BACHATE ND ANOTHER**

...
Advocate for Petitioners : Mr. V. D. Gunale

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 3rd February, 2022

PER COURT :

. The petitioners are aggrieved by the order passed below Exhibit-28 in Regular Civil Suit No.31/2018 by the learned 6th Joint Civil Judge, Junior Division, Latur, thereby allowing the amendment application filed by the plaintiffs.

2. It is contended by the petitioners that, the amendment takes away the admissions given by the plaintiffs in the plaint. The suit is filed for partition and separate possession of the joint family properties, in which, after framing of issues, the amendment application was filed. The trial court, after considering the rival submissions, has come to a conclusion that, the property dispute arises from matrimonial relations and plaintiff No.2 is illiterate lady

and she was unable to get knowledge about the suit properties. A finding is also recorded that, the proposed amendment is necessary to decide real controversy between the parties and the amendment does not change the nature of suit and there would not be any prejudice caused to the defendants if the amendment is allowed.

3. It is a settled legal position that, amendments are to be liberally allowed. The trial court, in the facts of the case, has passed a well reasoned order and has rightly allowed the amendment. No illegality or perversity is found in the impugned order. Writ Petition being devoid of merits is dismissed.

(NITIN B. SURYAWANSHI, J.)