

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

WRIT PETITION NO.1135 OF 2020

**SUBHASH ALIAS VISHNUDAS GOVINDPRASAD SANGI
VERSUS
PANDHARI RAMDAS KULTHE AND OTHERS**

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Advocate for Petitioner : Mr. Upendra B. Bilolikar

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CORAM : MANGESH S. PATIL, J.

DATED : 08 JUNE 2022

PER COURT :

- . Heard the learned advocate Mr. Bilolikar for the petitioner.
2. The respondents have been duly served with a notice of final disposal, but they have not appeared.
3. Rule.
4. The petitioner has filed the suit for eviction of the respondents who are tenants in the demised premises. After he closed his evidence and the suit was awaiting the evidence to be lead by the respondents, the latter filed the application seeking amendment of the written statement. By the order under challenge the trial court has allowed that application and has permitted them to amend the written statement.

5. Learned advocate Mr. Bilolikar for the petitioner would submit that the suit being a suit for eviction, every attempt is being made to protract the trial. The proposed amendment doesn't disclose as to in what manner the petitioner is concerned with various properties which according to respondents are available with him. Except similarity in the surname, there is no relation between the petitioner and those property owners properties. Ignoring all these facts and circumstances, the trial court has blindly allowed the amendment to be carried out.

6. I have carefully considered the papers and the submissions.

7. Obviously, the petitioner must be anxious to get the eviction proceeding terminated at the earliest. It is the matter of record, as can be discerned from the reply filed by him to the application for amendment of the written statement, that respondents have been resorting to different tactics to protract the trial.

8. But then, everything boils down to the question of imparting justice. If according to the respondents it is only just before filing of the application that they had acquired knowledge regarding availability of several other premises to the petitioner and when the fact has not been specifically controverted in the say filed on behalf of the petitioner opposing that application for amendment, no fault can be found with the observations of the

trial court in the impugned order that the proposed amendment is necessary to avoid further complications and multiplicity. The trial court has also made it clear that the petitioner would have an opportunity to controvert the statements of facts sought to be brought on record by the amendment.

9. Considering all the aforementioned facts and circumstances, the order under challenge cannot be said to be perverse, arbitrary or illegal.

10. However, simultaneously precaution deserves to be taken to see to it that the eviction proceeding is not further delayed and even clarifying that the petitioner gets an opportunity to reopen the trial, if he so chooses.

11. The writ petition is dismissed.

12. However the hearing of the suit is expedited. The trial court shall make every endeavour to decide the suit within a period of six months from today. The petitioner would be at liberty to lead additional evidence, if he so desires.

13. Rule stands discharged.

(MANGESH S. PATIL, J.)