

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.5142 OF 2019

Bhimrao Ananda Katkar and Ors. Petitioners

V/s.

Janardhan Tukaram Kamble and Ors. Respondents

Mr. Mahindra B. Deshmukh, Advocate for the Petitioners.

Mr. Pramod G. Kathane, Advocate for the Respondent Nos.1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 23, 2022.

P.C.:

1) Heard Mr. Deshmukh, learned counsel for the petitioners.

The order impugned is passed below Exh.97 whereby the prayer of the petitioners for amendment of the written statement is rejected.

2) Mr. Deshmukh would urge that as the prayer for amendment to the written statement is clarificatory in nature, in view of the settled position of law, the prayer for amendment to the written statement is

required to be considered liberally. He would further urge that only typographical mistake is sought to be corrected as to whether the suit land is Mahar Vatan land or not.

3) It appears that such amendment is objected by the Respondent on the ground that the same amounts to deletion of admission as such same cannot be termed as typographical mistake/error.

4) It appears that the pleadings in the written statement reflect contradictory stands on the same facts. It is always open for the petitioners to explain such stand at the time of recording of evidence as the Court can consider and deal with the same in accordance with law. In that view of the matter, no interference in writ jurisdiction is called for. Petition is dismissed.

5) However, it shall be open to the Petitioners to explain such contradiction during the course of recording of evidence.

[NITIN W. SAMBRE, J.]