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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 61 OF 2022

SHRI BABAN DADABHAU DHOBLE & ORS. PETITIONERS.

V/s.

SHRI PIRAJI RAKMAJI DHOBLE & ORS.RESPONDENTS.

Mr. Avinash B. Avhad, Advocate for the Petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 02, 2022.

P.C.:

1. Application Exh. 55 moved by the Petitioners (original defendants) in RC Suit No. 85 of 2008 filed for declaration and injunction for amendment of written statement, was rejected vide order impugned dated 19th October, 2019 by the learned Joint Civil Judge, Junior Division, Ghodegaon.

2. Submissions of the learned counsel for the Petitioners regarding amendment to the written statement are based on subsequent development, viz. mutation entry based on which the suit claim was

lodged, has underwent change in the appeal proceedings.

3. Admittedly, against the order of the Revenue Authorities Writ Petition No. 32033 of 2018 in which this Court has directed to maintain status-quo.

4. In my opinion, Court below was justified in rejecting the prayer for amendment. However, this will not preclude the Petitioner from taking fresh proceedings for amendment once Writ Petition No. 32033 of 2018 is decided either way alongwith the prayer of stay of the pending suit.

5. Petition stands dismissed.

[NITIN W. SAMBRE, J.]