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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8465 OF 2019**

Tarabai Krishna Shinde Petitioner.
v/s
The District Collector,
Sangli District Sangli and Ors. Respondents.

Mr. Dhananjayrao D. Rananaware for the Petitioner.
Mr. C.D. Mali, AGP for Respondent Nos. 1 to 3.
Mr. Anant Vadgaonkar for Respondent No.4.

CORAM: NITIN W. SAMBRE, J.

DATE: MAY 02, 2022

P.C.:-

1] Petitioner/Plaintiff's suit for declaration of ownership based on adverse possession has reached at the stage of final arguments when Application Exhibit-81 for amendment came to be moved, which is rejected by order dated 11th March, 2019.

2] Submissions are, aforesaid suit is based on a plea of adverse possession. It is necessary for the Petitioner/Plaintiff to demonstrate settled possession of the suit property which can be inferred only from revenue record. In this background, as the lawyer was changed,

new lawyer suggested that revenue record has to be brought before the Court so as to establish settled possession of the Petitioner/Plaintiff and in that view of the matter, even if suit is at advanced stage i.e. for final arguments, amendment is necessary. It is the contention of Counsel for the Petitioner that if the Petitioner is put to reasonable condition, amendment can be carried out and suit can be directed to be decided expeditiously.

3] Prayer is opposed by the Counsel for Respondents.

4] Considered submissions.

5] Fact remains that suit is of 2012 and same has reached at quite an advanced stage i.e. final arguments when Application-Exhibit-81 for amendment of the Plaint came to be moved and rejected. Fact remains that the Petitioner's claim is based on plea of adverse possession and for establishing such plea, it is for the Petitioner to demonstrate that she was in settled possession of the suit property for last 12 years before filing of the suit.

5] After evidence of the Petitioner is closed and matter is fixed for judgment, Petitioner, by way of an afterthought and in the absence of due diligence, has moved an Application-Exhibit-81 which is rightly so rejected by the Trial Court as not in tune with the requirements of Order VI Rule 17 of the Civil Procedure Code.

6] In that view of the matter, no case for interference is made out. Petition fails and same stands rejected.

(NITIN W. SAMBRE, J.)