

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

**CIVIL APPLICATION NO. 3003 OF 2017
IN
WRIT PETITION 912 OF 1990**

Motiram Jagannath Bhoir	Applicant
<i>IN THE MATTER BETWEEN</i>	
Motiram Jagannath Bhoir	Petitioner
V/S	
Rajaram Gopal Mhaskar since Deceased through LRs	Respondents

**WITH
CIVIL APPLICATION NO. 3005 OF 2017
IN
WRIT PETITION 912 OF 1990**

Motiram Jagannath Bhoir	Applicant
<i>IN THE MATTER BETWEEN</i>	
Motiram Jagannath Bhoir	Petitioner
V/S	
Rajaram Gopal Mhaskar since Deceased through LRs	Respondents

Mr. Shrishail Sakhare for Applicant / Org. Petitioner in both CAWs.

CORAM : NITIN W. SAMBRE, J.

DATE : 1st AUGUST, 2022

P.C.:-

1. These applications are taken out in decided WP/912/1990. On 16/07/2004, while the aforesaid petition was decided this Court set aside the decision of the Maharashtra Revenue Tribunal delivered on 28/02/1989 in Tenancy Appeal No. 1 of 1985.

2. As a sequel, it is claimed by the petitioner that he has taken out proceedings u/s. 32(B) of the Maharashtra Tenancy and Agricultural Lands Act for restoration of possession from the tenant.
3. In the said proceedings according to him the Tahasildar has recorded findings that the area mentioned which is to be restored is incorrect and as such there needs to be an amendment in the writ petition, so also appropriate directions to the authority.
4. The fact remains that the order of this Court dated 16/07/2004 has attained finality upto Apex Court as the SLP preferred by the non-applicant/tenant came to be dismissed on 10/02/2015.
5. This Court has called upon the counsel for the petitioner to explain the powers of this Court to grant such amendments in a finally adjudicated petition.
6. He would urge that the provision of section 151 of CPC empowers the Court to grant such amendment in exercise of inherent powers.
7. The law on the point of exercising inherent powers is well settled.
8. Once there are express powers vested in the Court to consider the prayer for amendment during the petition was alive,

the inherent powers cannot be exercised post the petition was decided so as to the order of amendment in the decided writ petition.

9. That being so, this Court cannot exercise powers under section 151 of CPC for grant of the reliefs claimed. That being so both the applications are rejected.

(NITIN W. SAMBRE, J.)

ANANT
KRISHNA NAIK

Digitally signed by ANANT
KRISHNA NAIK
Date: 2022.08.03 13:26:59 +0530