

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAS] NO.637 OF 2022

IN

SECOND APPEAL NO.233 OF 2018

[Sunil Nandlal Chauhan and others .vs. Nagorao Fattuji Badwaik and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Ghate, Advocate for appellants,
Mr. N.R. Bhishikar, Advocate for respondents.

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Coram : Smt. M.S. Jawalkar, J.

Dated : 01.08.2022

Present application is filed by the appellants
for amendment to bring subsequent events on record.

It is the contention of the appellants that the subject matter in question is admittedly ancestral house property and the appellants want to place on record the copy of judgment in Special Civil Suit No.8/2010. It is the contention of the appellants that during the pendency and continuation of the instant proceedings, Regular Civil Suit No.1/2022 was filed by the paternal aunt of the appellants with respect to the same property. The said suit is the very same suit property which is the subject matter of the present appeal. In view thereof, they want to raise additional substantial question of law (vii), by way of amendment.

The learned counsel for the respondents vehemently opposed the application.

The contention that the parties to the said suit are the same. These questions can be agitated and decided in Second Appeal. By this amendment, nature and contents between parties will not change. Accordingly, application is allowed.

Appellants are hereby permitted to carry out amendment within one week.

List the matter thereafter for final hearing at the stage of admission on **23.08.2022**.

Interim order to continue till next date.

[Smt. M.S. Jawalkar, J.]

Gulande