

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

WRIT PETITION NO.2422/2022

1. Krushna Madhukar Meshram,
Aged about 30 years, Occ-Labour,
R/o Jani Ward, Behind Ram Mandir,
Bramhapuri, Tahsil- Bramhapuri,
District- Chandrapur.
2. Bhagyashree Madhukar Meshram,
Aged about 26 years, Occ- Household,
3. Jayashree Madhukar Meshram,
Aged about 22 years, Occ- Education,
4. Malti Madhukar Meshram,
Aged about 45 years, Occ- Household,

Nos. 2 to 4 R/o C/o Krushna Meshram,
Jani Ward, Behind Ram Mandir,
Bramhapuri, Tahsil- Bramhapuri,
District- Chandrapur.
5. Prakash Sudhakar Meshram,
Aged about 31 years, Occ- Labour,
R/o Near Kamdi Wada,
Beside Hanuman Mandir, Nagbhid,
Tahsil- Nagbhid, District- Chandrapur.
6. Vrushali Anil Nagpure,
Aged about 35 years, Occ- Service,
R/o 132, K.V. Sub Station, Janfal Road,
At & Post Mehkar, District Buldhana.
7. Manisha Devidas Lanjewar,
Aged about 33 years, Occ- Household,
R/o C/o Ravindra Dhumale, Aditya Nagar,
Plot No.55, Sutgirani Chowk, Garkheda Area,
Aurangabad, District Aurangabad.
8. Chitra Umesh Rakatsinge,
Aged about 26 years, Occ- Household,
R/o Chitnis Park, Near Bharat Natyam School,
Mahal, Nagpur, District – Nagpur.

9. Vanita Deepak Pittule,
Aged about 31 years, Occ.- Service,
R/o C/o Pushpabai Meshram,
Nagbhid, Tahsil- Nagbhid,
District-Chandrapur.
10. Sudhatai Sudhakar Meshram,
Aged about 60 years, Occ- Household,
R/o Near Kamdi Wada, Nagbhid,
Tahsil- Nagbhid, District Chandrapur.
11. Prabhakar Jairam Meshram (Dead)
Through his legal representative
Rupali Sameer Pandilwar,
Aged - major, R/o Jivan Jyoti Colony,
Wasekar Layout, Jagannath Baba Garden,
House No.26, Chandrapur. ... PETITIONERS

...VERSUS...

1. Uma Raghunath Lanjewar,
Aged about 71 years, Occ- Household.
2. Usha Shankarrao Channe,
Aged about 59 years, Occ- Household,

Both R/o Wadala Chimur, Tahsil-Chimur,
District- Chandrapur. ...RESPONDENTS

Mr. Madhur Deo, Advocate for petitioners.
Mr. V. N. Morande, Advocate for respondents.

CORAM:- AVINASH G. GHAROTE, J.
DATED :- 25.07.2022

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard
Mr.Deo, learned counsel for petitioners and Mr. Morande, learned
counsel for respondents.

2. The impugned order rejects the application for amendment of the written statement, filed by the petitioners. The impugned order itself, in para 5, observes that the entire facts necessary for proposed amendment are already on record and what is being added, is the deed of relinquishment dated 27.11.1995.

3. Since the basic averments are already there, I do not see any reason as to why the amendment cannot be permitted, since there is difference between the parameters to be taken into consideration in respect of an application for amendment of a plaint and that of a written statement, in which case, the grant of amendments are more liberal.

4. Hence, the writ petition is allowed. The impugned order dated 16.04.2022 passed below Exh.-79 by learned Civil Judge Junior Division, Nagbhid in Regular Civil Suit No. 3/2015 is hereby quashed and set aside. The application Exh.-79, for amendment, is allowed.

Considering the request made by Mr. Morande, learned counsel for the respondents, to expedite the trial specifically on the

ground that all the parties are senior citizens, the learned trial Court is requested to decide the suit, as expeditiously as possible.

Rule is made absolute in the above terms. No order as to costs.

JUDGE

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