

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 WRIT PETITION NO.1146 OF 2023

SULOCHANABAI WALMIK SONAWANE
VERSUS
BANSI YADAV THORAT

Mr. Mahesh K. Bhosle, Advocate for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : FEBRUARY 03, 2023.

PER COURT :

1. Heard.
2. By this writ petition, the challenge is to the order dated 06.04.2021 passed in RCS No.218 of 2013, whereby the petitioner's application for amendment of plaint came to be rejected.
3. RCS No. 218 of 2013 was instituted by the petitioner-plaintiff seeking partition and separate possession of the suit property. The evidence of the petitioner was closed and thereafter, an application was filed seeking proposed amendment. By the proposed amendment, the petitioner sought setting aside the sale deed executed by defendant no.1 in favour of the defendant nos.12 to 14 and the consequential relief in the prayers.

4. Considered the submissions of the learned counsel for the petitioner. It is the case of the petitioner that the said fact was within his knowledge as the sale deed had been executed prior to the institution of the suit. The application is completely silent as far as the requirements of the proviso to the Order 2 Rule 17 of the Code of Civil Procedure, 1908. In view of this fact, the order of the Trial Court cannot be faulted with and as such, no interference is warranted.

5. Writ Petition is devoid of merits and hence stands dismissed.

(SHARMILA U. DESHMUKH, J.)