

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3613 OF 2023

**JIVAN RAMESH CHIDRAWAR
VERSUS
VIJAYKUMAR MADHAVRAO SHETE SINCE DIED THROUGH LRS SMT.
MANGALA VIJAYKUMAR SHETE AND OTHERS**

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Advocate for Petitioner : Mr. Pramod C. Mayure

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 30th MARCH, 2023

PER COURT :

1. Petitioner has challenged the order dated 09/02/2023, passed by learned Joint Civil Judge, Junior Division, Dharur, below Exhibit-157 in R.C.S. No.58/2009, whereby amendment application filed by the respondent/plaintiff was allowed at belated stage.

2. According to petitioner, the suit was almost fixed for judgment, after final arguments and at that belated stage present application is filed which should not have been allowed by the trial Court. Earlier similar prayer was made by the plaintiff by filing application Exhibit-150, which was rejected and therefore, trial Court has erred in allowing application thereby granting permission to the plaintiff to amend the prayer clause.

3. Having heard learned advocate for petitioner and after going through the grounds raised in the petition, annexures thereto

and the impugned order, this Court is of the opinion that the trial Court has rightly exercised discretion by allowing the amendment on the ground that it would avoid multiplicity of the proceedings.

4. Learned advocate for petitioner raised apprehension that no issues are framed, so also, opportunity to lead evidence needs to be given to the petitioner. The apprehension is misplaced and misconceived, as after the amendment is carried out by the plaintiff, petitioner/defendant will get opportunity to file additional written statement and then the trial Court will frame issues and then, if necessary, parties will lead evidence in support of their respective pleadings.

5. There is no illegality or perversity in the order impugned in present petition. No case is made out by the petitioner to exercise extraordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)