

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

WRIT PETITION NO.5182 OF 2022

**ASARAM DAGADU SASANE AND OTHERS
VERSUS
VENUBAI DAGADU SASANE DIED AND OTHERS**

...
Advocate for Petitioners : Mr. Milind K. Deshpande
Advocate for Respondent Nos. 4(A) To 4(D) : Mr. R.S. Deshmukh,
Sr. Advocate i/b Mr. D.R. Deshmukh
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th JULY, 2023

PER COURT :

1. Petitioners are aggrieved by the order dated 03/03/2022, passed by learned Joint Civil Judge, Junior Division, Paithan, below Exhibit-97 in Regular Civil Suit No.61/2004, thereby allowing application filed by respondents/plaintiff Nos.4A and 4B, for amendment of pleadings.

2. Respondents/plaintiffs filed the suit against petitioners/defendants for declaration of ownership and possession in respect of land Gut No.64 to the extent of 7 Acres 4 Gunthas, situated at village Telwadi, Taluka Paithan, Dist. Aurangabad, which was opposed by the defendants. After the matter was remanded back by the appellate Court, application Exhibit-97 is filed for amendment of pleadings. After hearing the parties, trial Court allowed the application. Hence, the present petition.

3. Heard learned advocate for petitioners and learned senior advocate for respondent Nos.4A to 4D. Perused the writ petition memo, annexures thereto and the impugned order.

4. It is evident from record that foundation of the amendment sought by plaintiffs, is already laid in the plaint. Plaintiffs have claimed that they are in possession of the suit property and have done improvement in the land. Trial Court is of the view that for complete adjudication of the dispute, proposed amendment is necessary and it will not change the nature of the suit in any manner. Also, there will not be any prejudice to the other side if amendment is allowed.

5. Trial Court has passed reasoned order which is in consonance with the settled legal position that amendment is to be liberally allowed. No fault can be found with the order passed by trial Court. Writ petition being devoid of merit is dismissed.

6. Considering the age of the plaintiffs, hearing of the suit is expedited.

(NITIN B. SURYAWANSHI, J.)