

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7766 OF 2022

Dinkar Vyanka Munde And Others ...Petitioners

Versus

Uttam Rajaram Munde Died Through
His Legal Heirs Lakhapati Uttam Munde
And Others ...Respondents

Mr. V.S. Bedre, Advocate for the petitioners.
Mrs. S.t. Jadhav h/f. Mr. P.D. Suryawanshi, Advocate for
Respondents No. 1(a) to 1(c).

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th MARCH, 2023

ORDER :

1. The petitioners are aggrieved by order passed by learned Principal District Judge, Beed, below Exhibit-25 in Regular Civil Appeal No. 14/2020.

2. The petitioner, appellant No. 3 (original defendant No. 3), moved application Exhibit-25 seeking amendment in the written statement Exhibit-85, contending that the position mentioned in the proposed amendment in para 3 is not mentioned in the written statement and for just and fair decision of the appeal it is necessary to amend the written statement and insert the proposed amendment.

3. Said application was objected by the respondent stating that statements in the proposed amendment are already available in the written statement in para no. 9 to 11. According to them, application is filed only to prolong the matter.

4. The Appellate Court after hearing the parties was pleased to reject the application holding that 'on perusal of written statement there remains no doubt that in para no. 9 to 11, the information which appellant intends to bring on record by way of amendment, is available. In such circumstances, in my mind, there is no need to allow the amendment in the pleadings.'

5. Having heard the learned advocate for the petitioners and learned advocate for the respondent at length, and after going through the proposed amendment, written statement, grounds raised in the petition and the impugned order, this Court is of the view that the Appellate Court is justified in rejecting the application.

6. The statements in the proposed amendment are already on record in the written statement in para no. 9 to 11. Apart from that the petitioner can argue the said aspect being a

legal aspect. For that purpose amendment is not necessary. There is no illegality or perversity in the order impugned in the present petition. The petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]