

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8541 OF 2023

Bhagwan Rangnath Kulthe And Others Petitioners

Versus

Kalapana Bhalchandra Gadkari And Others Respondents

Mr. Vivek Tarde, Advocate for the petitioners.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th JULY, 2023

ORDER :

1. Petitioners are aggrieved by the order passed by learned Civil Judge, Junior Division, Karjat, Ahmednagar, below Exhibit-64 in Regular Civil Suit No. 57/2021, thereby allowing the application filed by the plaintiffs/respondents under Order VI Rule 17 of Code of Civil Procedure, for amendment.

2. Plaintiffs have filed suit for partition and separate possession. Defendants appeared and resisted the suit by filing written statement. Application Exhibit-5 is yet to be decided. At this stage, plaintiffs have filed application seeking to amend paragraph nos. 4, 6 and 7 of the plaint to clarify that certain suit properties mentioned in the plaint were received by defendant

No. 1 from his father. Since the suit is at the initial stage, amendment is allowed by the Trial Court. Trial Court while allowing the application has observed that there will be no prejudice to the defendants No. 1 to 9 if the amendment is allowed. It would not change the nature and subject matter of the suit. Defendants will be entitled to file additional written statement replying the amendment.

3. Having heard the learned advocate for the petitioners and on going through the memo of writ petition, annexures and the impugned order, this Court is of the opinion that there is no illegality or perversity in the order impugned in the present petition. Trial Court has rightly allowed the amendment application filed by the plaintiffs. No case is made out by the petitioners to warrant interference in the extra ordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]