

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

CRA NO.193 OF 2023

**FAYYAZ KHAN KABIR KHAN
VERSUS
RAMBHAU ASHRUBA CHAUTHE AND OTHERS**

...
Advocate for Petitioner : Mr. D.P. Palodkar h/f Mr. Vakil Afzal Husain
Advocate for Respondent No.26 : Mr. N.E. Deshmukh

...
CORAM : S.G. MEHARE, J.

DATED : NOVEMBER 06, 2023

PER COURT:-

1. Heard learned counsel for the petitioner and learned counsel for the caveator.
2. An application for amendment of the plaint has been rejected on 06.07.2023 observing that the proposed amendment is going to change the nature of the suit.
3. After hearing the learned counsel for the petitioner, it appear that subsequent to filing of the suit, he has got some different status as regards the suit property. Getting such legal right subsequent to the suit and the nature of the suit changes. It gives a separate cause of action to file a suit. The changes which are different from the earlier cause of action are not allowed by way of an amendment in the pending suit. Right of the present petitioner to take a remedy under a new cause of action is not barred. It is available subject to the provisions of law.

(2)

4. In view of the above, there appears no illegality in the impugned order. Hence, the revision application stands dismissed. No order as to costs.

(S.G. MEHARE, J.)