

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

918 WRIT PETITION NO.13282 OF 2022

**PRATAPSINGH SHANKAR PARDESHI
VERSUS
RAMSING SHANKAR PARDESHI AND OTHERS**

...
Advocate for Petitioner : Mr. M.G. Kochar h/f. Mr. B.R. Waramaa

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 06-01-2023

PER COURT :

. Heard the learned counsel appearing for the petitioner.

2. The petitioner challenges the order dated 06.09.2022 passed by the Jt. Civil Judge Junior Division, Pachora permitting the respondents to amend the written-statement within a period of 14 days from the date of passing of the order. The learned counsel for the petitioner submits that the order is erroneous as the amendment in the written-statement changes the nature of the suit. He would further submit that although the order directed the defendants to carry out the amendment within a period of 14 days, the same was carried out beyond a period of 14 days without obtaining leave of the Court.

3. As is evident from the impugned order, the defendant is seeking to elaborate the defence which is already being taken in the

written-statement. Considering the same, the order permitting the amendment of the written-statement cannot be faulted with. As regards the submission of the petitioner that the amendment was carried out beyond the period of 14 days, it is to be noted that the provisions of the Code of Civil Procedure are procedural in nature and cannot affect the substantial rights of the parties. In event the petitioner is aggrieved, the appropriate remedy would be to approach the Civil Court by filing appropriate application which has not been done in the present case.

4. Considering the above, I am not inclined to interfere with the impugned order. The writ petition is accordingly dismissed.

(SHARMILA U. DESHMUKH, J.)

GGP