

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

**WRIT PETITION NO.13085 OF 2022**

**NISHANT KESHARMAL PARAKH  
VERSUS  
OM RAMLING APPA PUNE**

...  
Advocate for Petitioner : Mr. S.C. Swami, Advocate h/f Mr. Zabiulla  
Zahirulla Hussaini  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 09<sup>th</sup> MARCH, 2023**

**PER COURT :**

1. By this petition filed under Articles 226 and 227 of the Constitution of India, petitioner impugns order dated 25/11/2022, passed by learned Civil Judge, Junior Division, Ahmedpur, Dist. Latur, below Exhibit-30 in R.C.S. No.199/2021.
2. Petitioner/original plaintiff has filed the suit for injunction. Respondent/original defendant filed application under Order VI Rule 17 of the Code of Civil Procedure for amendment in his written statement, thereby seeking to amend the figure '2005' to '2014', claiming that it was typing mistake which occurred due to oversight. Said application is allowed by the trial Court. Petitioner is aggrieved by this order.
3. Heard learned advocate for petitioner. He assailed the impugned order contending that said amendment would change

nature of the pleadings of defendant and therefore, the same ought to have been rejected by the trial Court.

4. Perusal of the impugned order shows that trial Court after considering the ratio in the judgments cited before it, has allowed the amendment sought by the defendant.

5. It is settled legal position that amendment is to be liberally allowed. I do not agree with the submission of learned advocate for petitioner that due to change in the year, nature of pleadings would change. Burden would always be on the respondent to prove his pleadings.

6. No illegality or perversity is found in the order impugned in present petition. Writ petition being devoid of merits is dismissed.

**(NITIN B. SURYAWANSHI, J.)**