

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

8 WRIT PETITION NO.35 OF 2023

HANUMANT NAMDEO SALUNKE DIED THROUGH LRS.
SUNANDA HANUMANT SALUNKE

VERSUS

CHIEF OFFICER MUNICIPAL COUNCIL OSMANABAD

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Advocate for Petitioners : Ms. Kulkarni (Mahajan) S. P.

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CORAM : SHARMILA U. DESHMUKH, J.

Dated: January 13, 2023

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PER COURT :-

1. The petitioner is aggrieved by the order dated 22.11.2022 passed in RCS No.441 of 2021, whereby the application of the respondent for amendment of the written statement came to be allowed.

2. Heard the learned counsel appearing for the petitioners.

3. Learned counsel submits that there is no specific denial of the averments of the plaint in the written statement, which was initially filed by the respondent/defendant and as per the settled legal position, the pleadings which are not specifically denied

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are deemed to have been admitted. She would further submit that by the amendment the respondent/defendant is seeking to resile from the deemed admission.

4. It is settled that the amendments to the pleadings have to be allowed liberally and as far as the amendment to the written statement is concerned, such amendment which would withdraw an admission given in favour of the plaintiff cannot be permitted. In the present case, the learned counsel for the petitioner apart from making bare submission that there was no specific denial to the pleadings in the written statement, has not been able to demonstrate from the pleadings that any admission which was given is sought to be withdrawn by way of the amendment application.

5. Considering the above, there is no merit in the writ petition. Writ petition is dismissed.

(SHARMILA U. DESHMUKH, J.)

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aaa/-