

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

WRIT PETITION NO. 14690 OF 2023

ABDUL RAHIMAN NASIR MEHMMAD CHOUDHARI AND OTHERS
VERSUS
PRMOD RAMAKRUSHNA AMBHURE AND OTHERS

...

Advocate for Petitioners : Mr. h/f Mr. Salunke Mayur Vasant

...

CORAM : SHAILESH P BRAHME, J.

DATE : 4th DECEMBER 2023.

Per Court :

Heard.

1. An order dated 26.07.2023 passed by the learned Principal District Judge, Latur in Civil MA NO.96/2023 rejecting application filed under Section 24 of the Civil Procedure Code is questioned in this petition.

2. The petitioners are the original defendants who are facing RCS No.326/2016 filed by the respondents for perpetual injunction. A grievance of the petitioners was that the trial Court did not grant sufficient opportunity to them. An application for amendment to plaint which was filed after six years, was entertained and allowed. Application seeking permission to lead secondary evidence was allowed without granting sufficient opportunity to the petitioners. The petitioners apprehend that the suit may not be tried with fair hands.

Therefore Civil MA No.96/2023 is preferred under Section 24 of CPC before the Principal District Judge, Latur.

3. The petitioners have challenged the order passed below Exhibit-184 permitting the plaintiffs to amend the plaint in the High Court. The validity of the order passed below Exhibit-184 and 203 can be tested neither under Section 24, nor in the present petition. Just because the trial Court is entertaining application and not extending opportunity as contended by the petitioners, cannot be a ground to transfer the proceeding.

4. The suit is of 2016. It has already been expedited. The learned Principal District Judge has considered entire aspects of the matter in proper perspective. I do not find any perversity or illegality to interfere in the impugned order. The writ petition is dismissed.

[SHAILESH P. BRAHME, J.]

Najeeb.