

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11471 OF 2019

Shri. Veejhay Jaypal Magdum & Ors. ...Petitioners

V/s.

Shri. Nitin Kallappa Jamdade & Ors. ...Respondents

Dr. Uday P. Warunjikar for Petitioners.

Mr. Sumedh Modak i/by Mr. Vijay Killedar for
Respondent No.1.

Mr. C.D. Mali AGP for Respondent nos. 3 and 4.

CORAM: MADHAV J. JAMDAR, J.

DATE: 22nd August 2023

P.C.:

1. Heard Dr. Warunjikar, learned Counsel appearing for the Petitioners, Mr. Modak, learned Counsel appearing for Respondent No. 1 and Mr. Mali, learned AGP for Respondent Nos. 3 and 4.

2. By the impugned order passed below Exhibit 27 in Appeal No.53 of 2017, learned Presiding Officer, School Tribunal, Kolhapur allowed the said application and permitted the Respondent No. 1 i.e. original Appellant to carry out amendment within 10 days from the date of the order.

3. By said Exhibit 27 application, the amendment sought in the said Appeal No. 53 of 2017 is that wherever the word "suspension" appears, it should be replaced by the word "termination". In the application, it is mentioned that the word "suspension" is inadvertently mentioned instead of the word "termination".

4. It is the contention of Dr. Warunjikar, learned Counsel appearing for the Petitioners that if the said amendment is allowed, the same will change the nature of the case. It is his submission that the suspension is totally different than the termination and therefore, the said amendment should not have been allowed.

5. On the other hand, it is the contention of Mr. Modak, learned Counsel appearing for Respondent No.1 that what has been sought to be done by the impugned amendment is allowing correction of an inadvertent error. He submitted that the Petitioners will not suffer any prejudice as the Petitioners will be able to file their reply to the amended appeal.

6. Mr. Mali, learned AGP supported the impugned order.

7. By the impugned order, instead of the word "suspension", the word "termination" is allowed to be replaced. The same appears to be a typographical error. The learned Presiding

Officer is right in holding that the proposed amendment is just and necessary to decide the real controversy between the parties and that no prejudice will be caused to the present Petitioners.

8. Mr. Modak, learned Counsel appearing for Respondent No.1 has also relied on the order of learned Single Judge in Writ Petition No. 14050 of 2012 in the matter of **Veejhay Jaypal Magdum & Ors. Vs. Kishor Balasaheb Bhagate and Others.**

The said order clearly supports the contention of Mr. Modak.

9. Therefore, there is no substance in the petition. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)