

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.248 OF 2018

The Municipal Commissioner, Sangli, Miraj
and Kupwad Municipal Corporation, Sangli.

...Petitioner

Versus

Ganapati Panchayatan Sansthan & Anr.

...Respondents

Mr. G. H. Keluskar for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : AUGUST 17, 2023

P. C. :

1. Heard,
2. The challenge in the Petition is to the order dated 11th December, 2017 allowing the Respondent-Plaintiff's application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 to incorporate the City Survey Number of the suit property.
3. The application for amendment contends that at the time of filing of the suit the suit property was unnumbered and was not identified in the City Survey record. However, during the course of the proceeding the suit property has been numbered as City Survey No. 344. The Trial Court has

allowed the application for amendment as by the proposed amendment the Respondents only wanted to describe the suit property more particularly and as such, the same was necessary for the effective adjudication of the issue in dispute.

4. Considering that by the proposed amendment there is no change in the nature of the suit or introduction of any fresh cause of action and by the proposed amendment what was sought was only to incorporate a correct description of the suit property which was numbered during the course of the proceeding, I am not inclined to interfere with the order of the Trial Court allowing the amendment. It is also required to be noted that amendments are to be liberally allowed which are necessary for effective adjudication of the controversy in dispute. In the present case, the Plaintiff has filed suit for recovery of possession from the Defendant No. 1 and as such, by the proposed amendment only better particulars of the suit property was sought to be provided which cannot be faulted with. Needless to clarify that the provisions of Section 105 of the Code of Civil Procedure, 1908 permit any error or irregularity in passing of any order to be taken as a ground of appeal.

5. In that view of the matter the Petition fails and stands dismissed.

(SHARMILA U. DESHMUKH, J.)