

VRJ

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

WRIT PETITION NO.726 OF 2020

Shivaji Kashinath Mudgul & Anr.

... Petitioners

V/s.

Ramesh Sakharam Ghoge

... Respondent

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RAMESH
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Mr. Rameshwar N. Gite for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 4, 2023

P.C.:

1. The petitioners/original plaintiffs are challenging two orders passed by the Trial Court (i) rejecting the application for re-framing of issues; and (ii) rejecting the application for amendment.
2. The petitioners who are original plaintiffs filed a suit for declaration that the measurement carried by the defendant is illegal and for alternative relief of adverse possession.
3. Considering the issues framed, reflected on page 22 of the petition, in my opinion, the prayers in the suit can be effectively adjudicated by framing issues on page 22 of the petition. The issues already framed cover the controversy between the parties. Therefore, there is no requirement of additional issues.
4. In so far as the application for amendment is concerned, the

Trial Court rejected the application on the ground that the plaintiffs have prayed to plead due diligence. On perusal of the application for amendment, I find that there is not pleading of due diligence. Therefore, the Trial Court's order rejecting the application for amendment needs no interference.

5. The writ petition is, therefore, disposed of. No costs.

(AMIT BORKAR, J.)