

VRJ

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

WRIT PETITION NO.10672 OF 2023

VAIBHAV
RAMESH
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Mahadeo Shankar Lawand

... Petitioner

V/s.

Deepak Kashinath Lawand & Ors.

... Respondents

Mr. Pratap Patil for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 28, 2023

P.C.:

1. By the impugned order dated 12th June 2023, the trial Court has rejected the application for amendment to provide details of suit properties.

2. On perusal of the plaint, it appears that the description of the suit property is based on sale deed dated 9th May 1967. In paragraph No.1 of the plaint, the plaintiff has described the suit property by boundaries. Therefore, change in survey numbers during pendency shall not affect rights of the plaintiff over the property as the property remains to be described by boundaries. It is well settled that in case of conflict between the number of house and the boundaries, it is the boundaries which will prevail. Therefore, absence of providing details of newly added survey numbers will not affect rights of the plaintiff.

3. Therefore, I am satisfied that the amendment is not necessary to decide real controversy between the parties. Hence, no case for interfering under Article 227 of the Constitution of India is made out.

4. The civil writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)