

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 412 OF 2023

Anand Narendra Padgilwar__ Vs. __ Sachin Shamraoji Navare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T.M.Malnas, Advocate, for the petitioner
Mr. G.R.Kothari, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/02/2023

1] Heard Mr. Malnas, learned counsel for the petitioner and Mr. Kothari, learned counsel for the respondent.

2] The petition challenges the order dated 24.11.2022 passed by the learned trial Court, whereby the application for amendment of the written statement filed by the petitioner has been rejected on the ground that it has been filed after the evidence of plaintiff has been completed.

3] It is not in dispute that the suit for specific performance is in regard to plot no. 29 A+B in the lay out in field Survey No. 12/2/A (pg.10) and the proposed amendment merely seeks to correct the khasra number in the written statement on account of the number having been changed in pursuance to conversion of the land to NA use. The proposed amendment merely seeks to clarify

the position in the written statement and to bring it in consonance to what has been stated in the agreement and therefore, does not cause any prejudice to the plaintiff/respondent, considering which the impugned order is hereby quashed and set aside and the application below Exh.66 is hereby allowed.

4] The amendment shall be carried out by 16.2.2023.

5] The petition is allowed in above terms. No costs.

JUDGE

Rvjalit