



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

WRIT PETITION NO. 1232/2019

Gajanan s/o. Kavdu Barsagade and Anr.

Vs.

Dhanraj S/o. Balaji Kundhadkar

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

Court's or Judge's order

.....
Mr. R. R. Dawda, Advocate for Petitioners.
Mr. N. A. Chawhan, Advocate for Respondent.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 19.10.2023

1. The petitioners have challenged the order passed by the learned Trial Court partly allowing the application for amendment in written statement.

2. The petitioners, who are the original defendants before the Trial Court have filed the application stating that the earlier Counsel had made some typographical mistakes in the written statement and some pleadings have not been incorporated by the earlier Counsel in the said written statement, and hence filed the application for amendment of written statement.

3. The learned Trial Court has partly allowed the application to correct the typographical mistakes and rejected to add paragraph No.3 in his application. The reason given by the Trial Court is that the defendants were aware about it at the time of filing the written statement.

4. The learned Counsel for the petitioners has stated that the petitioners have filed said application as the

earlier Counsel has not mentioned though the defendants have informed it to their Counsel.

5. The learned Counsel for the respondent has opposed the application.

6. The amendment sought by the petitioners is concerned with the pleadings made in the plaint. It will cause no prejudice to the respondent.

7. Considering the above said facts, the petition is allowed.

8. The order passed by the Trial Court is set aside.

9. The petitioner is allowed to amend the written statement accordingly.

(MRS.VRUSHALI V. JOSHI, J.)