



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

Writ Petition No.199/2023

Diwakar and others V Ramchandra

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

Court's or Judge's Orders

Mr. A.S. Dhore, Adv for petitioners.

CORAM : AVINASH G GHAROTE J.

DATE : 18-10-2023

The petition challenges the order dated 06-09-22 passed by the trial Court below Exh-164, whereby the application for amendment of the plaint filed at the stage of cross examination of the defendant has been allowed. It is contended that there is absence of due diligence, the trial has been commenced and therefore the amendment could not have been allowed. A perusal of the proposed amendment would indicate that it only seeks to bring on record a position that the respondent had acquired the land of S.No.87 (G.No.365) of village Datala, Tq Murtizapur since he was the tenant on account of the provisions of the Bombay Tenancy and Agriculture Act and therefore the transfer in favour of the petitioner nos.1 and 2, was invalid for want of permission of the competent authority. This is clearly a legal issue which would be permissible to be raised even in absence of pleadings,

considering which, I do not see any reason to interfere in the impugned order. The petition is therefore, dismissed. No costs.

JUDGE

Deshmukh