



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1530 OF 2024

Radhakisan Appa Kasar
VERSUS
Balu Fakira Mali And Others

Mr. S. V. Dixit, Advocate for petitioner
Mr. K. N. Shermale, Advocate for respondent Nos. 1 to 4

CORAM : R. M. JOSHI, J.

DATE : 14th DECEMBER, 2024

PER COURT :-

1. After hearing learned counsel for the parties for sometime, this Court has shown disinclination grant any relief.
2. Learned counsel for the petitioner, on instructions, makes statement that the prayers made in the original suit are against defendant No.1 and defendant Nos. 6 to 8. He submits having regard to averments in plaint that in any case an application can always be made before the trial Court for modification of the said prayer by seeking relief against defendant No.1 to 4.
3. Though, learned counsel for the respondent has opposed the said contention, this Court is of the view that there is no point in asking the petitioner to make another application before the trial Court to that

effect. This will only delay the hearing of the suit. Hence in the interest of justice, petition is disposed of in following terms.

a) The petitioner/plaintiff is permitted to amend the prayer clause 14A-(1) – 14A-(2) by incorporating words “Defendant nos. 1 to 4 and 6 to 8” in both clauses in place of “Defendant Nos.1 and 6 to 8”.

4. The order impugned is upheld except for the modification as stated herein above.

(R. M. JOSHI, J.)

bsj