



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 3510 OF 2024

MARUTI MUKUNDA UDMALE AND ANOTHER
VERSUS
HANMANT MUKUNDA UDMALE

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Advocate for the Petitioner : Mr. V. G. Kodale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 05th APRIL, 2024

PER COURT:

1. Heard.
2. The petitioners / defendants challenge the order of the trial court dated 05.02.2024, whereby the amendment application filed by the plaintiff is allowed. The respondent / plaintiff has contended in the amendment application that there is agreement of mutual understanding dated 27.05.2021 and that the said document is executed after filing of the plaint and that it is necessary to bring the said document on record and, so also, to amend the pleading to prove the subsequent agreement between the parties. It would have a bearings on the suit property.
3. Considering the submissions of the plaintiff and the defendants the trial court has allowed the amendment application.

4. The learned counsel for the defendants / petitioners contend that the said document has no legal sanctity as the agreement is executed behind their back and that they are not the parties to the agreement. The learned counsel further submits that the document is hit by lis pendens, so also, the document is not a registered and has no validity in the eyes of law. Since, the mutual agreement of understanding dated 27.05.2021 is executed after filing of the suit and it will have bearing on the suit, the order allowing the amendment application is lawful and all the contentions of the respondents can be raised in his response by filing amended written statement and the petitioners can raise all the contentions, which are available to them in the defense.

5. With the above observations, as the defense is always available to the petitioners, the application for amendment which is allowed by the trial court is maintained and the petition is dismissed.

[ARUN R. PEDNEKER, J.]

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