



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

940 WRIT PETITION NO. 4416 OF 2024

Mandabai Vilas Waghmare And Another

VERSUS

Archana Ravindra Nikam

...

Advocate for the Petitioner : Mr. P. C. Mayure h/f Chapalgaonkar S. S

Advocate for Respondent : Mr. Jadhav Kailas B.

...

CORAM : R. M. JOSHI, J.

Dated : July 23, 2024

PER COURT :-

1. In this petition two impugned orders passed below Exhibit 27 and below Exhibit 8 dated 05/03/2024 in Regular Civil Suit no.181/2023 are challenged, whereby the application for amendment to the plaint came to be allowed, and similarly, application for appointment of Court Commissioner is also allowed.
2. Heard learned Counsel for both sides.
3. As far as order of amendment is concerned, the record indicate that by amendment respondent/ plaintiff is seeking to incorporate subsequent events in the plaint. There cannot be any dispute about the fact that subsequent event which are necessary for the decision of the suit can be allowed to be added by way of amendment.
4. Hence, this Court finds no substance in the petition challenging the impugned orders allowing amendment.

5. As far as order of appointment of Court Commissioner is concerned, learned Counsel for the respondent makes statement, on instructions, that the plaintiff be given liberty to file an application for appointment of Court Commissioner at appropriate stage. The order of appointment of Court Commissioner does not sustain owing to preliminary stage of suit. It is therefore set aside, with liberty to the respondent/ plaintiff to file application as prayed.

6. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)

vj gawade/-.