



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 6754 OF 2024
IN WP/7178/2023

Ajinkya Rajendra JorvekarApplicant

VERSUS

Aditya Rajendra Jorvekar & anotherRespondents

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Mr. K. N. Shermale, Advocate for Applicant
Mr. H. U. Dhage, Advcoate for Respondents.

CORAM : R. M. JOSHI, J.

DATE : 9th JULY, 2024.

PER COURT :

1. Learned counsel for applicant seeks leave to amend the prayer clause.
2. Leave granted. Amendment be carried out forthwith.
3. Learned counsel for Respondents makes a submission that Respondents do not wish to file any reply to the Civil Application. Hence, matter to proceed without reply.

4. Heard both sides. Learned counsel for Applicant/original Petitioner submits that no different case is sought to be made out by carrying out amendment in the Petition.

5. Learned counsel for Respondents opposed the said contention by submitting that these averments ought to have been made in the Petition at the time of its filing and not after a query was raised by this Court with regard to the proper pleadings in the Petition.

6. For the purpose of allowing amendment to the pleadings, the basic requirement is that such amendment should not change the nature of the proceeding. Here in this case, Writ Petition is filed for the purpose of challenging award passed on the allegation that the same is obtained by fraud. Amendment thus does not change the nature of Petition on the contrary it gives explanation as to circumstances in which such award has been passed. Further, no prejudice will be caused to the Respondents and it will be open for the Respondents to oppose said contention by filing reply or otherwise. Hence, Civil Application stands allowed. Amendment be

carried out within two weeks. It is open for the Respondents to file affidavit-in-reply to the amended Petition.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 7178 OF 2023

Ajinkya Rajendra Jorvekar Petitioner

VERSUS

Aditya Rajendra Jorvekar & another Respondents

.....

Mr. K. N. Shermale, Advocate for Petitioner

Mr. H. U. Dhage, Advocate for Respondents.

CORAM : R. M. JOSHI, J.

DATE : 9th JULY, 2024.

PER COURT :

1. Stand over to 23.07.2024.
2. Interim relief granted earlier to continue till next date.

(R. M. JOSHI)
Judge

dyb

