IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 WRIT PETITION NO. 2388 OF 2021

Yadav Lalba Deokate
VERSUS
The State Of Maharashtra And Others
...
Advocate for the Petitioner : Mr. B.N. Gadegaonkar
AGP for Respondents 1 & 2 : Mr. N.D. Raje
Advocate for Respondent 3 : Mr. V.P. Narwade
...

CORAM : ARUN R. PEDNEKER, J.
Dated : April 03, 2024

PER COURT :-

1. Heard the learned counsel for the parties.

2. By way of the present writ petition, the petitioner is challenging the impugned order dated 28.8.2020 passed by the learned Civil Judge, S.D., Mukhed, District Nanded below Exh. 28 in L.A.R. No. 494/2010, by which the application filed for amendment is rejected by the trial Court.

3. The learned counsel for the petitioner has placed on record the order dated 10th October, 2023 passed by this Court in Writ Petition No. 2381/2021 (Madhav Lalba Deokate Vs. The State of Maharashtra and Ors.). In the similar facts, situation, this Court has allowed the application for amendment and has held that it is settled legal position that amendment is to be liberally allowed and by rejecting the application for amendment, reference court has failed to exercise jurisdiction vested in it.

4. In the above order dated 10.10.2023 this Court has imposed cost of Rs.5000/- on the petitioner, as such, the advocate for respondent No. 3 insisted for imposition of cost. In response thereto the learned counsel for the petitioner submits that he would pay cost to the local Bar Association.

5. In view of the above, placing reliance on the above order dated 10th October, 2023 passed by this Court in Writ Petition No. 2381/2021 (Madhav Lalba Deokate Vs. The State of Maharashtra and Ors.), I pass the following order.

O R D E R

1. Writ petition is allowed.

2. The impugned order dated 28.8.2020 passed by the learned Civil Judge, S.D., Mukhed, District Nanded below Exh. 28 in L.A.R. No. 494/2010 is quashed and set aside. The application at Exh. 28 in L.A.R. No. 494/2010 is allowed.

3. Cost of Rs.5000/- is to be paid by the petitioner herein to Mukhed Bar Association, Tq. Mukhed, Dist. Nanded in its bank account, which is as under:-

Name of Bank	:	Maharashtra Gramin Bank, Branch - Mukhed, Tq. Mukhed, District Nanded.
Account number of Mukhed Bar Association	:	80055983636.

(ARUN R. PEDNEKER, J.)

ssc/