



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

969 WRIT PETITION NO. 12194 OF 2017

SHANKARRAO SHRINIVASRAO CHOUDHARI AND OTHERS

VERSUS

VIJAYKUMAR VITTHALRAO CHOUDHARY AND ANOTHER

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Advocate for the Petitioner : Mr.Dhananjay Mane h/f Mr. Patil Milind
Advocate for Respondents No.1 and 2: Mr.C.C.Deshpande h/f Mr. C. R.
Deshpande

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 09, 2024

PER COURT :-

1. Heard the learned Advocate appearing on behalf of the respective parties.
2. The learned Advocate submits that two suits were filed for partition and separate possession. In the said suits the applications were filed for amendment to written statements which were rejected by the learned Trial Court on the same day i.e. 05/07/2017.
3. The two writ petitions were filed in this Court being present petition and Writ Petition No.14659 of 2017 challenging the order passed by the Trial Court not permitting amendments in the written statement. The Writ Petition No.14659 of 2017 was taken up for consideration and was allowed by order dated 12/09/2018 in terms of

prayer Clause "B" and "C" subject to payment of cost of Rs.15,000/-, and the same was directed to be paid to the plaintiff respondent in the instant case. The petitioners in both the petitions are same. The facts are identical and the Judgment of this Court dated 12/09/2018 is squarely applicable to the facts of the present case.

4. The learned Advocate appearing for the respondents has not been able to demonstrate or point out any deferring circumstance between two different applications.

5. The parties are ad idem that the facts as stated in paragraph No.5 of the Judgment dated 12/09/2018 in Writ Petition No.14659 of 2017 are similar to the facts of the instant case.

6. In view of the same, the petition is allowed in terms of prayer Clause "B" and "C" subject to deposit of cost of Rs.20,000/- (twenty thousand) to be deposited in Trial Court within a period of six weeks from today. The cost amount to be paid to the original plaintiff.

(ARUN R. PEDNEKER, J.)

vj gawade/-.