



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13144 OF 2024

Nitin Tulshiram Gawali

VERSUS

Vishnupanth Pandharinath Sathe

• Mr. H. V. Patil, Advocate for the Petitioner

CORAM : R.M. JOSHI, J

DATE : DECEMBER 17, 2024

PER COURT :

1. This Petition takes exception to order dated 01.10.2024 passed below Exh. 52 in RCS No. 506/2016 whereby application filed under Order VI, Rule 17 CPC came to be dismissed.

2. Petitioner is Plaintiff. After his evidence is over, application Exh. 52 came to be filed for seeking amendment to the plaint for introducing prayer clause about seeking possession of the suit property. This application came to be rejected.

3. Learned Counsel for the Petitioner submits that there is stray admission given by the Plaintiff in his cross-examination about he being not in possession of the suit property and, therefore, the prayer for

possession ought to have been allowed by the Trial Court.

4. Perusal of the application Exh. 52 is filed only for addition of the prayer to the plaint about seeking possession of the suit property. Perusal of the plaint does not indicate that there is any pleading with regard to the Plaintiff having lost possession of the suit property at any point of time.

5. In absence of any such pleadings, question of learned Trial Court allowing prayer sought to be amended does not arise. Hence, there is no merit in the Petition. In the result, Petition stands dismissed.

(R.M. JOSHI, J.)