



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 13271 OF 2022

SHAIKH MOHOMMAD SK. PYARESAHEB AND ANOTHER
VERSUS
SAYYED ABDUL AZIZ KASAM

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Advocate for the Petitioner : Mr. Naik Thigle Girish K

Advocate for Respondent : Mr. A. B. Kharosekar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd FEBRUARY, 2024

PER COURT:

1. Heard.
2. This court by a detailed order dated 02.01.2023 has recorded all the submissions of the petitioners as regards the application moved by the petitioners for amendment of the written statement. The court normally allows the amendment to the pleadings and, more particularly, in the written statement unless the amendment withdraws any admission given. The application for amendment is ordinarily allowed subject to the compensation of loss that may have occurred to the other party for setting back the clock. The learned counsel submits that allowing the amendment there would be no further setting back of the clock and that the matter can be proceeded from the stage from where the amendment is allowed without any other issues to be set out.

The withdrawal of the map, at this stage, apparently, does not amount to withdrawal of any concession made in favour of the plaintiff / respondent. However, there is another Exhibit 23 filed by the present petitioners for taking up another map on record. In the event, the Exhibit 23 is in violation to the present withdrawal of the map, the same can be contested while deciding Exhibit 23. At this stage, as there is no withdrawal of any concession made by the defendants, the amendment can be allowed.

3. With the above observation, the writ petition is allowed in terms of prayer clause “B”, subject to the observation as above.

4. The writ petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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