



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

914 WRIT PETITION NO. 4782 OF 2024

RAGHO BHAGAJI JOSHI AND ANOTHER

VERSUS

RAMCHANDRA BHAGAJI JOSHI

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Advocate for the petitioners : Adv.M.K.Bhosale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 09.05.2024

P.C. :

1] The learned counsel for the petitioners submits that the petitioners-plaintiffs filed RCS No.76/2024. The respondent appeared in the suit and filed their written statement. The learned counsel further submits that by order dated 30.12.2019, the trial Court decreed the suit thereby clamping perpetual injunction upon the respondent. Thereafter, respondent filed RCA No.10/2020 before the appellate Court and the Appellate Court, by order dated 28.04.2022 remanded the matter before the trial directing the plaintiffs to amend the suit plaint within a period of 30 days. Therefore, the petitioners filed an application below Exh.53 for amendment. The learned counsel for the petitioners further submits that by order dated 05.06.2023 the trial Court has rejected the application filed by the petitioners – plaintiff. Against the said order, the petitioner again filed an application below Exh.63 and the same is also

rejected by order dated 05.04.2024. The learned counsel for the petitioners submits that since the petitioners – plaintiffs are poor and illiterate persons, they could not amend the suit within stipulated period and the delay caused is not intentional and deliberate.

2] Issue notice to the respondent, returnable on 18.07.2024.

3] Till the next date, there shall be ad-interim stay to the further proceedings in Regular Civil Suit No.76 of 2014.

[ARUN R. PEDNEKER]
JUDGE

DDC