

HARSHADA H. SAWANT  
(P.A.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.910 OF 2024**

Sham Baburao Kandekar

.. Petitioner

**Versus**

Ulka Vitthalrao Bahirat and Ors.

.. Respondents

- .....
- Mr. Sandeep Phatak, Advocate for Petitioner.
  - Mr. Jaydeep Deo, Advocate for Respondent Nos.1 and 2.

.....  
**CORAM : MILIND N. JADHAV, J.**

**DATE : JULY 12, 2024**

**P.C.:**

**1.** Heard Mr. Phatak, learned Advocate for Petitioner and Mr. Deo, learned Advocate for Respondent Nos.1 and 2.

**2.** This Writ Petition is listed before me for Speaking to the Minutes of order dated 10.07.2024.

**3.** Mr. Pathak would submit that allowing amendment under paragraph Nos.8(f), 8(g) and 8(h) as stated in the above order would amount to change in nature of suit proceedings. He would submit that when the matter was heard the explanation given under paragraph Nos.8(c), 8(d) and 8(i) were the only paragraphs which were consented to by the Respondents but it appears that inadvertently this Court has allowed the amendment in terms of paragraph Nos.8(f), 8(g) and 8(h).

**4.** He has drawn my attention to the concerned paragraph Nos.8(f), 8(g) and 8(h) which are appended at page No.118 of the Writ Petition. In so far as amendment in respect of paragraph No.8(f)

is concerned, Mr. Pathak would be right as it amount to change in nomenclature of the suit property and therefore amendment as per paragraph No.8(f) ought not to have allowed. Similarly amendment proposed in paragraph No.8(g) is concerned, that also would amount to change in nomenclature of subject property stated therein in its entirety as could be seen from proposed amendment. Hence amendment as per paragraph No.8(g) also not ought to have been allowed. Similarly in so far as proposed amendment in paragraph No.8(h) is concerned, that would also change the nomenclature of the suit property.

**5.** In view of the above, Mr. Pathak appears to be right in his contention. The order dated 10.07.2024 shall stand corrected to that extent and appropriate deletion of paragraph Nos.8(f), 8(g) and 8(h) appearing at two places therein in line No.8 and line No.14 shall be carried out. After said deletion is made, a corrected copy of order dated 10.07.2024 shall be uploaded afresh.

**6.** In last line of paragraph No.3, the word '**Appeal**' has been wrongly mentioned. It ought to have been '**Application at Exhibit-29 in Civil Appeal No.309 of 2016**'. this Correction shall also be carried out , a fresh copy shall be uploaded.

**7.** With the above directions, praecipe is disposed.