



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO. 3394 OF 2024
(SERIAL NO. 6)**

Ramesh Satyanarayan Pasnur	...Petitioner
vs.	
M/S United Developers And Ors.	...Respondents

**ALONGWITH
CIVIL WRIT PETITION NO. 3574 OF 2024
(SERIAL NO. 7)**

Ramesh Satyanarayan Pasnur	...Petitioner
vs.	
M/S United Developers And Ors.	...Respondents

Adv. Swapnil Dage i/by Adv. Shrikant Kompelli	Advocate for the Petitioner
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CORAM : S. M. MODAK, J.

DATE : 16th OCTOBER 2024

P. C. :-

1. Heard learned Advocate for the Petitioner/defendant no. 13.
2. There was suit filed before the trial Court for declaration that the various sale deeds are illegal, except that there was no other prayer. The Plaintiffs claimed to be in possession of all these suit plots.
3. Defendant No. 13 is purchaser of these plots and he has pleaded that possession is with the person to whom the plots are sold and

whereas some of the plots are in his possession.

4. After framing of the issue, the Plaintiff filed an application for amendment of the plaint. The trial Court as per Order dated 19.01.2024 allowed the plaint by incorporating the prayer for granting of permanent injunction. The trial Court observed that the claim made by the defendants about possession over the suit plots also amounts to obstruction in the possession of the plaintiff and that is why amendment is allowed.

5. The Order is challenged on the ground of not fulfilling the test of the due diligence, because already issues are framed though evidence is not started. I find substance in the said application.

6. Hence, issue notice to the Respondent returnable on 03/12/2024.

7. Additionally, private notice is allowed and service affidavit be filed.

8. In the meantime, hearing of the suit is stayed till next date.

9. Both matters be kept on **03rd December 2024.**

[S. M. MODAK, J.]