



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

CIVIL WRIT PETITION NO. 14106 OF 2024

Akil Shafi Mujawar And Anr

...Petitioners

vs.

Rajendra Yashwant Nevase And
Ors.

...Respondents

Adv. Drupad S. Patil a/w Adv. Rugwed R. Kinkar	Advocate for the Petitioners
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CORAM : S. M. MODAK, J.

DATE : 10th DECEMBER 2024

P. C. :-

1. Heard learned Advocate Shri Patil for the Petitioners, who are joined as Defendant Nos. 3 and 4 as per Order dated 19.08.2024 passed by the Court of Civil Judge Junior Division, Khandala. This order is passed on the basis of the application moved by the original Respondents-Plaintiffs. This is on page no. 78. It is filed as per the provisions of Order VI Rule 17 of the Civil Procedure Code.
2. The order is challenged by the newly added Defendants. Learned Advocate Mr. Patil made the following submissions :-

- (i) Parameters for deciding the application for amendment and parameters for adding the parties are different.
- (ii) the suit as it stands originally is only for injunction and there are no other prayers against Defendant Nos. 1 and 2.
- (iii) The cause of action for seeking injunction at the time of filing of the suit is restricted only to then only.
- (iv) Even by way of amendment the Plaintiffs have only sought the prayer for injunction to be amended.
- (v) Even though the Plaintiffs have pleaded that Defendant Nos. 3 and 4 have purchased the suit land from Defendant Nos. 1 and 2, there is no challenge to that sale deed.
- (vi) According to him, the remedy of the amendment chosen by the Petitioners is not warranted as per the provisions of law and Plaintiffs ought to have filed the separate suit.
- (vii) By allowing the amendment, there will be complication in deciding the issue in between the Parties.
- (viii) According to him, there are interim applications filed by the Plaintiffs which are to be decided. He prays for staying the impugned order.

3. Hence the following order is passed:-

ORDER

- (i) Issue notice before admission to Respondent Nos. 1 to 3-
Plaintiffs returnable on 05th February 2025.
 - (ii) Till next date, there shall be stay to the order dated
19.08.2024 passed by the CJJD, Khandala in Regular
Civil Suit No. 135 of 2021.
4. Matter be kept on 05th February 2025.

[S. M. MODAK, J.]