



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 2516 of 2024

Vivek S/o Narhar Oke

Versus

Mohammad S/o Iqbal Lakhani

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S.Joshi, Advocate for the petitioner.

Shri J.J.Chandurkar, Advocate for the respondent.

CORAM : N.R.BORKAR, J.

DATED : 5th SEPTEMBER, 2024.

This petition takes exception to the order dated 20th January, 2024 passed by the Civil Judge, Junior Division, Chandur Railway, District Amravati in Regular Civil Suit No. 7 of 2015.

2. The respondent herein has filed a suit for eviction and possession of the suit premises *inter alia* on the ground of bonafide need.

3. By the order impugned the learned trial Court has allowed the application filed by the petitioner for amendment of plaint.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The proposed amendment reads thus :

“7-a) It is submitted that taking advantage of the lock down on account of the Covid-19 pandemic during

the period of March 2020 to December 2021, the defendant has surreptitiously without the consent of the plaintiff erected structure on the plaintiff's open land in the southern side adjoining the suit house and on the northern side on both sides of the bath room and latrine. The said erected structures are of permanent nature. The defendant is liable to remove the same. The plaintiff submits that he is also entitled to decree of eviction and possession against the defendant on this ground also as he has unlawfully erected the said structures on the plaintiff's land."

Add at the end of prayer (a) as under:

"and remove entire structure erected by him on the open land around the suit house and deliver possession of the open land."

6. The learned counsel for the petitioner submits that the learned trial Court has erred in allowing the application after commencement of trial. It is submitted that the learned Rent Court has no jurisdiction to entertain the prayer which the petitioner has sought by way of proposed amendment.

7. By way of proposed amendment eviction is sought on one more ground available under the Rent Act. To avoid the multiplicity of judicial proceedings, the learned trial Court has rightly allowed the application. No interference is called for in the impugned order. The petition is dismissed.

[N.R.BORKAR, J.]