



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

Writ Petition No.207 of 2024

SUNIL RAMKUWAR JOSHI

VS

SHRIRAM BANSILAL SHARMA AND OTHERS

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

Court's or Judge's Order

Shri S.A. Mohta, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATED : 10.01.2024

1. Heard.
2. In this petition, the order below Exh.12 dated 20.02.2023 passed by the 3rd Jt. Civil Judge Senior Division, Akola, allowing the application for amendment of plaint moved by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure (CPC) in Regular Civil Suit No.87/2022, is under challenge.
3. The respondent No.1, herein, is one of the plaintiffs, who has filed the suit for eviction and before the evidence was commenced, they moved the application under Order VI Rule 17 of the CPC to correct the description of the property.
4. This application was not opposed by the present petitioner and accordingly, considering the nature of the amendment, the application was allowed.
5. After going through the reasons recorded by the learned trial Court, it is evident that the Court has found amendment as necessary and since the trial was not commenced, even the

question of due diligence does not arise and therefore, a lenient view was taken in allowing the applicant for amendment.

6. In that view of the matter, as no error has been committed by the learned trial Court in allowing the application, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]