



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 1090 OF 2024**

Balwantrao N. Naik ...Petitioner
Versus
Sheikh Wahab s/o. Sheikh
Hanif & Ors. ...Respondents

Mr. Jemini B. Kasat for the Petitioner.
Adv. Syed Sufiyan for the Respondents.

CORAM : N. R. BORKAR, J.
DATE : 30 JULY 2024.

PC:-

1. This petition takes exception to the order dated 30.9.2023 passed by the learned 5th Joint Civil Judge, Junior Division, Pusad, District Yavatmal below Exhibit-68 in Regular Civil Suit No. 151 of 2013.

2. The petitioner herein has filed the suit for injunction. It appears that pursuant to the order passed by the trial Court the suit land was measured and measurement revealed encroachment on the suit land to the extent of 51R. The petitioner had thus filed an application for amendment of the plaint. By the order impugned, the trial Court has rejected the said application for amendment.

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

4. To avoid the multiplicity of judicial proceedings, the trial Court ought to have allowed the application for amendment. The order impugned is, therefore, set aside. The Petition is allowed. The trial Court shall permit the petitioner to carry out the amendment in the plaint in terms of amendment application at Exhibit-68.

5. Pending Application (s), if any, are disposed of.

(N.R. BORKAR, J.)