



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO.1264 OF 2024**

Tekchand G. Paunikar and Ors. ...Petitioners
Versus
Mahadeorao K. Nandanwar ...Respondent

Adv. Narendra Jetha for the Petitioner.
Adv. S. A. Jaiswal for the Respondent.

CORAM : N. R. BORKAR, J.
DATE : 26 JUNE 2024.

PC:-

1. This petition takes exception to the order dated 7.2.2024 passed by the learned Joint Civil Judge, Junior Division, Nagpur below Exhibit-74 in Regular Civil Suit No. 1282 of 2018.
2. The petitioners are the original plaintiffs. They have filed suit for declaration, possession, permanent and mandatory injunction against the present respondent/defendant.
3. By the order impugned, the trial Court has allowed the application filed by the respondent seeking permission to amend Written Statement.
4. I have heard the learned counsel for the petitioners and the learned counsel for the respondent.
5. Learned counsel for the petitioners submits that the trial of the suit has commenced and even the evidence of petitioners is over. It is submitted that the application filed by the respondent itself shows that the respondent was aware of

the fact, which he wants to incorporate by the proposed amendment before commencement of trial. It is submitted that no explanation is, however, given in the application as to why the application for amendment was not moved before commencement of trial. It is submitted that the trial Court has thus erred in allowing the application.

6. On the other hand, the learned counsel for the respondent submits that the respondent was not aware of the fact the suit house is situated in a notified slum area until 10.1.2024. It is submitted that the trial Court has thus rightly allowed the amendment application.

7. As the proposed amendment relates to issue of jurisdiction, I am not inclined to interfere with the impugned order just because the trial of the suit has commenced. Hence, the Petition is dismissed.

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

(N.R. BORKAR, J.)