



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 6643 OF 2025

SUMAIYA BEGUM GULAB MIYA TAMBOLI AND ANOTHER
VERSUS
SHAMA ALIAS SHAMSHAD MATIN TAMBOLI AND OTHERS

...
Advocate for the Petitioner : Mr. Ambad Shrinivas Abhimanyu

...
CORAM : ARUN R. PEDNEKER, J.

Dated : November 25, 2025

PER COURT :-

1. By way of the present writ petition, the petitioners challenges the impugned order dated 19.10.2023 passed by the learned Civil Judge, Junior Division, Ambajogai in R.C.S. No. 124/2016, whereby the application filed for amendment of the pleadings is rejected.
2. Perused the order. It appears from the order that the petitioners/plaintiffs have filed suit for partition as per Muslim Law and prayed injunction against the defendants. By virtue of the amendment the plaintiffs want to claim title over the property in terms of the oral gift deed. The suit pleadings would run contrary to the claim of the petitioners and as such, the trial court has not permitted the petitioner to amend the prayer clause.
3. It is also seen that the suit is filed in the year 2016 and already petitioners have placed on record their evidence and at this stage, the amendment would be belated and in any event it would run contrary to the original pleadings and the admission made in original pleadings cannot be withdrawn in view of the proposed amendment.
4. Considering all above aspects of the matter, I hold that no case is made out. The writ petition is dismissed accordingly.

(ARUN R. PEDNEKER, J.)

ssc/