



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 WRIT PETITION NO. 3842 OF 2023

SUNITA SADASHIV HEMBADE
VERSUS
BHARAT RAMRAO HEMBADE AND OTHERS

...
Mr. Rahul R. Deshmukh – Advocate for Petitioner
Mr. V.D. Gunale – Advocate for Respondent
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 10.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 19.10.2022 passed by learned C.J.J.D., AUSA below Exhibit 28 in Regular Civil Suit No.628 of 2017, whereby the application filed by the petitioner/original plaintiff for amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure was partly allowed.
3. I have gone through the order passed by the learned Trial Court. As far as adding proposed defendant No.4 is concerned, the petitioner's prayer was not considered. As per the joint measurement, encroachment was found and the petitioner is required to file fresh application to add proposed defendant No.4. If such application is filed, the learned Trial

Court shall consider the same.

4. Therefore, I do not find any reason to interfere with order dated 19.01.2022 passed by learned C.J.J.D., AUSA below Exhibit 28 in Regular Civil Suit No.628 of 2017 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

6. The petitioner is at liberty to file a fresh application seeking amendment to add proposed defendant No.4.

7. The learned Trial Court shall decide the application in accordance with law.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/