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33-WP-3899-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 WRIT PETITION NO. 3899 OF 2025

Anjanabai Janardhan Sawant Through Poa Yashoda Dnyanoba
Waghmare And Another

VERSUS

Gayabai Govind Kamble Died Through Lrs Ramesh Govind Kamble And
Others

...

Mr. M. P. Tripathi h/f Mr. U. L. Momale, Advocate for the Petitioners.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH 2025

PC :-

1. Heard the learned Advocate for the petitioners.
2. A challenge is raised to an order dated 10th January 2025 passed by the learned Principle District Judge, Latur rejecting the amendment application of the petitioners under Order 6 Rule 17 of the C.P.C. By way of amendment application, the petitioners want to insert the number of proceeding i.e. LAR No.88 of 2007 in the title clause and paragraph No.2 and also in prayer clause (B) in the Civil Application No.235 of 2018 filed for recall of the order passed in LAR No.87 of 2007

and 88 of 2007 i.e. recalling the compromise. Learned Court observed that the application is filed in the year 2018. The evidence has already started. The petitioners have examined three witnesses and the matter was posted for further evidence of the petitioners. The Court, therefore, rejected the application in view of proviso to Order 6 Rule 17 of the C.P.C. The said proviso clearly provides that, no amendment can be sought after the trial is started and where parties to show that inspite of due diligence, the amendment could not be sought.

3. In the present case, this Court finds that the learned trial Court has clearly observed that the petitioner's evidence is already started. There is nothing in the application to show that inspite of due diligence, the amendment could not be earlier sought. What is stated is only that due to typographical mistake, the number was not inserted. This Court finds that no illegality as such is committed by the trial Court. No case is made out calling for interference at the hands of this Court in the impugned order.

4. The petition, therefore, stands dismissed.

5. The learned Advocate though has submitted on merits that the

amendment is necessary for proper adjudication of the application and the proceedings, this Court is not impress by the said argument.

[KISHORE C. SANT, J.]