



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 3959 OF 2022

DHUDKABAI BHAGA PATIL
VERSUS
DHANRAJ DHARMA PATIL AND OTHERS

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Advocate for the Petitioner : Mr. Agrawal Sumit S.
Advocate for Respondent No. 1 : Mr. Deshpande Chaitanya C.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 05.12.2025

PER COURT :

1. Heard the learned Counsel for respective parties.
2. By way of the present petition, the petitioner is challenging the order dated 21.11.2022 passed below Exh. 172 by the learned Joint Civil Judge Junior Division, Dhule, in Regular Civil Suit No. 121 of 2011 whereby, it rejected the application for amendment as prayed by the petitioner.
3. The learned trial Court allowed to carry out the amendment sought in paragraph No. 6 of the application in regard to sale deed bearing No. 2358 of 2002 dated 28.05.2002 to be carried out within 5 days. Whereas, rest of the prayers mentioned in the application for amendment in pleading at page Nos. 4 and 5, more specifically relating to cancellation of mutation entry and deleting certain portion of paragraph No. 6 and adding para No. 6A and 21A were rejected. The application below Exh. 172 was partly allowed.

4. I have considered the rival submissions advanced by both the learned counsels. This Court has granted stay to the further proceedings of the suit vide its order dated 08.04.2022 and in view of the law laid down by the Hon'ble Apex Court in the matter of ***Baldev Singh & Ors. Etc. Vs. Manohar Singh & Anr. Etc., reported in (2006) AIR (SCW) 3956*** particularly (paragraph No. 11), I am inclined to allow the present petition.

5. In view thereof, the petition is allowed. The order dated 21.11.2022 passed below Exh. 172 by the learned Joint Civil Judge Junior Division, Dhule, in Regular Civil Suit No. 121 of 2011 is quashed and set aside.

6. The application below Exh. 172 is hereby allowed.

7. Both the learned Counsel submit that the suit is of the year 2011. In view of that after the necessary amendment is carried out by the petitioner, the trial Court to decide the suit within a period of 1 year from today.

(SIDDHESHWAR S. THOMBRE, J.)

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