



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO. 5558 OF 2024

ABDUL KALIM KHAN S/O ABDUL RAZZAK KHAN
VERSUS
KHATLJA BEGUM @ KHUTEJA BEGUM W/O MOHD. YOUNUSUDDIN
FAROOQUI AND OTHERS

...
Advocate for the Applicant : Mr. Syed G. R.
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : 11.02.2025

PER COURT :-

1. The petitioner impugns order dated 31.01.2024 passed by learned 6th Civil Judge Junior Division, Nanded on application below Exh. 36 in RCS No. 474 of 2022, by which, application filed by respondent No. 2 seeking amendment in the plaint has been allowed.
2. Perused the order. Apparently the suit is at nascent stage. Plaintiff has filed an application for amendment to challenge consequential sale deed executed by defendant in pursuance to the power of attorney.
3. The trial Court has rightly observed that proposed amendment would not change nature of suit and in fact brings on record more particulars of claim. The trial Court has observed that till date Written Statement is not filed by defendant and amendment would be necessary to avoid the multiplicity of litigation. Looking to the nature of amendment which is permitted under impugned order, it can be said that such amendment is necessary for final adjudication of dispute between the parties. Hence no case is made out to cause interference.
4. The Writ Petition stands dismissed in above terms.

(S. G. CHAPALGAONKAR)
JUDGE