



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO. 8405 OF 2025

SHIVAJI MAHAJAN PATNE

VERSUS

POURNIMA BALAJI RAJE AND OTHERS

...

Advocate for the petitioner : Mr.S.A.Deshmukh

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 03.10.2025

P.C. :

1] The petitioner challenges the impugned order dated 25.03.2025 passed by the 2nd Joint Civil Judge Senior Division, Nanded, below Exh.48 in RCS No.419/2022, thereby the application filed by the plaintiff-respondent for amendment under Order VI Rule 17 of CPC is allowed.

2] The learned counsel for the petitioner submits that by way of amendment, the plaintiff prayed that the encroachment made by the defendant no. 1 over 5 x 40 sq. ft. area, which is part and parcel of the disputed 36 sq.mt. Area be removed. The amendment application filed by the

plaintiff is allowed and the same ought not to have been allowed as it introduces a new case.

3] The law on the subject is well settled in the case of *Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited & anr.* reported in 2022 LiveLaw (SC) 729 that the amendment has to be liberally allowed before commencement of the trial. The defendants would have an opportunity to meet added claim by way of amended written statement. Considering the same, no case is made out for interference. Hence, the Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC