



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9526 OF 2024

Balaji Nivrutirao Kalme,
Age. 44 years, Occu. Agri,
R/o.: Shekapurwadi, Tq.: Udgir,
District: Latur.

.....PETITIONER
(Original Defendant No.1)

VERSUS

1. Nikhil Khushal Kalme,
Age: 17 years, Occup: Education,
Under the Guardian of his father
Khushal Nivrutirao Kalme,
Age. 42 years, Occu. Agri,
R/o.: Shekapurwadi Tq.: Udgir,
District: Latur

(Original Plaintiff)

2. Anita Balaji Kalme,
Age: 39 Years, Occup: Housewife & Agri,
R/o.: Shekapurwadi, Tq.: Udgir,
District: Latur
3. Swapnil Balaji Kalme,
Age: 19 Years, Occup: Education,
R/o: As Above
4. Rukminibai Nivruti Kalme,
Age: 73 Years, Occup: Housewife & Agri,
R/o: As Above.

.....RESPONDENTS
(Original Defendant Nos.2, 3 and 4)

Mr. S. G. Jadhavar, Advocate for the Petitioner
Talekar And Associates, Advocate for Respondent no.1

CORAM : ROHIT W. JOSHI, J.

DATED : 23RD JULY, 2025

ORAL JUDGMENT :-

. By the present petition, the petitioner, who is original defendant no.1 is challenging order dated 22.07.2024, passed by the learned 2nd Joint Civil Judge, Junior Division, Udgir on application for amendment of plaint filed by the respondent/plaintiff vide Exhibit-27 in Regular Civil Suit no.767 of 2023.

2. The respondent/plaintiff has filed a suit for declaration of ownership of 4.10HR land, situated in village Shekapur, Tahsil Udgir, District Latur. This property is claimed on the basis of gift deed dated 06.03.2023, executed in favour of the plaintiff by the respondent no.4. By the amendment, the plaintiff wants to reduce the area of suit property from 4.10HR to 4HR. The plaintiff is giving up claim over 0.10HR land. The amendment therefore does not cause any prejudice to any of the defendants. The plaintiff is not increasing but decreasing the area of suit property by giving up claim over a certain portion of the suit property.

3. The learned Counsel for the petitioner/defendant no.1

placed reliance on judgment of the Hon'ble Supreme Court in the matter of *Mashyak Grihnirman Sahakari Sanstha Maryadit Vs. Usman Habib Dhuka and Others*, reported in *(2013) 9 SCC 485* to contend that an amendment application filed by way an afterthought cannot be allowed. The said ratio of the said judgment is not applicable to the facts of the present case where the plaintiff is giving up claim over certain portion of the suit property.

4. The amendment in fact enures the benefit to the defendants. The petition is therefore **rejected**.
5. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)