



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 13427 OF 2025

IMRAN MAUNODDIN MANIYAR AND OTHERS

VERSUS

VITTHAL ARJUN DONE AND OTHERS

...

Advocate for the Petitioner : Mr. Kendre Namdev D.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 14.11.2025

PER COURT:

1. Heard.

2. By the present petition, the petitioners / defendants challenge the order passed on an application for amendment of the plaint, which was allowed by the trial court.

The petitioners are the defendants, who opposed the application for amendment on the ground that there are different causes of action and the different cause of action cannot be put up in the same suit.

3. However, it is seen that the suit for declaration of ownership and injunction is filed on 18.03.2023. It is stated that, subsequently, on 06.01.2025, the defendants encroached upon the part of the suit property and, as such, the application was filed for possession of the encroached portion, for removal of encroachment

and possession. The encroachment has taken place after filing of the suit on the suit property in question. The plaintiff is entitled to seek possession of the property encroached upon by the defendants during the pendency of the suit in the same proceeding.

4. In view of the above, no case is made out for interference.

5. The Writ Petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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