



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

WRIT PETITION NO. 8055 OF 2025

BALASAHEB TUKARAM JADHAV AND OTHERS
VERSUS
DNYANDEV DASHRATH JADHAV AND OTHERS

...
Mr. Himmatsinh D. Deshmukh, Advocate for the Petitioners.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th JULY, 2025.**

P.C.:-

1. The present Writ Petition takes exception to order dated 16.11.2024 passed below Exhibit-19 in Regular Civil suit No.506/2023, by which application filed by respondents/plaintiffs seeking amendment in terms of Order VI rule 17 of the Code of Civil Procedure is allowed.

2. Perusal of application below Exhibit-19 shows that plaintiffs sought certain amendment in paragraph nos.2, 3 and 5 of plaint. Perusal of application shows that plaintiffs seek to correct some inadvertent errors caused while drafting suit. Admittedly, suit is at the stage of hearing of application below Exhibit-5 and trial is yet to be commenced. It is not discernible from the nature of amendment that substantive nature of suit would be changed or any right accrued in favour of defendants would be withdrawn. It is obvious that, petitioners/defendants are entitled to controvert

amended plaint and accordingly they can file additional written statement to that effect.

3. It is trite that, applications under Order VI Rule 17 of Code of Civil Procedure are to be liberally entertained, unless there is any legal fetter as prescribed under Rule 17. The learned Trial Judge after considering aforesaid legal position, permitted amendment observing that there would be no change in the nature of suit. On other hand, such amendment would facilitate to deal with real question of controversy between parties.

4. In that view of the matter, this Court do not find any jurisdictional error that would invite interference of this Court. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE