



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

925 WRIT PETITION NO. 14715 OF 2025

TIRTHRAJ RAMBHAU JAYKAR AND OTHERS

VERSUS

SUDHAKAR ASMANRAO MHASKE

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Advocate for the Petitioner : Mr. Udhan Vishal V

Advocate for Respondents: Mr. S. K. Chavan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 16.12.2025

PER COURT:

1. Heard.
2. Petitioners challenge the order passed in an application for amendment filed by the plaintiff, wherein the plaintiff has sought amendment of the plaint by incorporating the pleading as regards the agreement dated 27.03.2018 as not been executed by them and, as such, is not binding upon them.
3. The learned counsel for the petitioners submits that such an amendment ought not to have been allowed and the plaintiff has not been diligent in bringing about the amendment at the time of filing of the suit. He also submits that the matter has proceeded substantially up till the Exhibit-5 application and, as such, the amendment should not be granted.

4. However, the amendment is before the commencement of the trial and the diligence would come into picture after commencement of the trial.

5. In the instant case, the petitioners have filed a separate suit for specific performance of the agreement dated 27.03.2018. In the plaint filed by the respondent the specific pleas as regards the agreement not being executed by them and as not binding upon them is sought to be incorporated by amended pleadings. The trial court has observed that the said pleadings is necessary. The trial has also not commenced.

6. In view of the same, I see no error to interfere in the impugned order. However, it is observed that the petitioners would have the liberty of rebutting all the contentions in their defense.

7. With the above observations, the Writ Petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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