

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11323 OF 2025

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Sanjay Pandhurang More & Anr.	... Petitioners
V/s.	
Mahadev Gajanan Nirale	... Respondent

Mr. Prajakt Arjunwadkar for the petitioners.

Mr. Shantanu Gurav for the respondent.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 4, 2025

P.C.:

1. Present Writ Petition takes exception to order dated 19th June 2025 passed by Civil Judge, Senior Division, Sangli, in Regular Civil Suit No. 301 of 2019, below Exhibit 53, whereby the application filed by Respondent–Plaintiff seeking amendment of plaint has been allowed.

2. Mr. Arjunwadkar, learned Advocate appearing for Petitioners, submits that Petitioners filed their written statements and raised a specific contention that consolidation scheme has not been implemented in the village. Therefore, suit property could

not have been identified based on block number shown in the plaint. In response to aforesaid contention, Respondent-Plaintiff filed an application for amendment at a belated stage, when evidence affidavit of plaintiff was already tendered. According to him, such a belated amendment could not have been permitted. The application ought to have been rejected on that ground.

3. Mr. Gurav, learned Advocate appearing for Respondent, however, supports the impugned order. According to him, amendment is necessary for the final and effective adjudication of dispute between parties. Perusal of the impugned order shows that suit is at the stage of evidence. The affidavit of examination-in-chief has been filed; however, cross-examination has not yet begun. Apparently, amendment sought is only in respect of the identification number of suit property and does not relate to actual pleadings. If there is any discrepancy regarding identification of the property, dispute between the parties cannot be finally adjudicated.

4. In that view of the matter, such an amendment would be necessary. Since, recording of evidence has not yet begun, it cannot be said that Trial has commenced. No error of jurisdiction in

entertaining amendment application is discernible. In that view of the matter, this Court do not find any merit in present Writ Petition. Accordingly, the Writ Petition stands rejected.

5. Pending interlocutory application(s), if any, stands disposed of.

(S. G. CHAPALGAONKAR, J.)