

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12694 OF 2025

Prakash Shivrudappa DhangеPetitioner

Vs.

Purva Vibhag Sarvajanik

Vachanalaya Thr. Trusty & Ors.Respondents

Mr. Ishaan Kapse, for Petitioner.

Mr. Amol A. Kanaki with Mr. Prasad P. Kulkarni, for the Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 12th December 2025

P.C.:-

1. The present Writ Petition takes exception to order dated 10th November 2025 passed by Civil Judge, Junior Division, Solapur below Exhibit-114 in Regular Civil Suit No.501 of 2016, by which Petitioner's Application seeking amendment in written statement has been rejected.

2. It appears that Respondent instituted suit for recovery of possession of Shop Nos.1, 2 and 3 which is part of CTS No.9591/9 at Solapur. The evidence of parties has commenced, and Plaintiff's evidence has already been closed. At this stage, Petitioner/Defendant

filed an application below Exhibit-114 seeking permission to amend written statement so as to bring on record a subsequent event pertaining to the letting out of Shop No. 4 by the Plaintiff.

3. The Trial Court declined to entertain Petitioner's Application firstly on ground that amendment would relate back to date of filing suit. The suit is instituted in the year 2016, whereas Petitioner wants to bring on record subsequent event that occurred in the year 2016.

4. The Trial Court further observed that Defendant will have to lead his evidence as per written statement and prevailing situation at the time of filing of written statement and subsequent events cannot be allowed to be incorporated in written statement.

5. Mr. Ishaan Kapse, learned counsel appearing for Petitioner would submit that when suit is instituted seeking decree of possession on the ground of bona fide requirement, the subsequent events would also be relevant to determine bona fide requirement of Plaintiff. As such, amendment could have been allowed.

6. Mr. Amol A. Kanaki, learned counsel appearing for Respondent vehemently opposed Petition, contending that suit is instituted in

respect of Shop Nos.1, 2 & 3. However, Defendant wants to bring on record subsequent events regarding lease of Shop No.4, which is not relevant.

6. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that present suit has been filed seeking possession of premises on the ground of bona fide requirement, as contemplated under Rent Act.

7. The Petitioner would be definitely entitled to lead evidence to show that bona fide requirement as claimed does not survive and to bring on record material to show alternate premises are available to Landlord. It appears that by proposed amendment, Petitioner wanted to bring on record details regarding letting out Shop No.4 by Plaintiff.

8. This Court finds that amendment in respect of transaction of Shop No.4 need not be brought on record because it is not subject matter of suit. If Petitioner wants to bring aforesaid events by way of evidence, he can bring such evidence by filing affidavit or leading other necessary evidence. For that purpose, amendment of pleadings

is not necessary, particularly at this stage of the suit.

9. In that view of matter, Writ Petition stands **disposed of** with liberty and observation in favour of Petitioner.

(S. G. CHAPALGAONKAR, J.)