

VRJ

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

WRIT PETITION NO.13095 OF 2025

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2025.12.23
11:56:28 +0530

Bahubali Motilal Kothari & Ors.	... Petitioners
V/s.	
Vasanti Jawaharlal Kothari & Ors.	... Respondents

Mr. Dilip Bodake with Mr. Saiprasad Patil, Mr. Amar P. Dhumal and Sujata Lohar for the petitioners.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : DECEMBER 22, 2025

P.C.:

1. Present petition takes exception to order dated 30th October 2025 passed by Civil Judge, Senior Division, Satara passed below Exhibit 252 in Special Civil Suit No.244 of 2020, by which application filed by respondents-plaintiffs under Order VI Rule 17 of Civil Procedure Code, 1908 seeking amendment in plaint was allowed.
2. Respondent Nos.1 to 4/original plaintiffs filed Special Civil Suit No.244 of 2020 before Civil Judge, Senior Division, Satara claiming relief of declaration that they have 1/6th share in all suit properties described in paragraph No.1 and decree of partition

with separate possession to that effect. Defendants filed written statement and refuted claim of plaintiffs. After conclusion of the evidence, arguments of parties were heard and matter was practically posted for judgment. At this stage, respondents-plaintiffs filed application under Order VI Rule 17 of Civil Procedure Code, 1908 seeking amendment in the plaint. Perusal of application filed below Exhibit 252 and prayer therein depicts that the plaintiffs sought amendment to describe Survey No.274 as Survey No./Gat No.274 and Survey No.283 as Survey No./Gat No.283. The plaintiffs also sought amendment to correct area from 0.5R to 0.005R. Application was strongly opposed on behalf of petitioners/defendants. However, Trial Court allowed same by impugned order.

3. Mr. Bodake, learned advocate appearing for petitioners, vehemently contends that amendment after conclusion of arguments could not have been allowed. The petitioners are not given opportunity to file written statement to amended plaint. As such, serious prejudice is caused.

4. Having considered submissions advanced and looking to nature of amendment, it can be observed that petitioners have

merely incorporated correction in prefix of description of property which is already part of suit. It neither changes nature of plaint nor material particulars of property. It only adds prefix as Gat Number along with Survey Number. Apparently, such correction is necessary to effectively adjudicate controversy between parties in suit. By allowing such amendment, no prejudice is caused to defendants. Trial Court has considered relevant factors and observed in impugned order that when plaintiffs are seeking declaration of their right in respect of suit property along with partition, proper description is necessary and therefore amendment as claimed needs to be allowed. No jurisdictional error can be found in impugned order to cause interference under Article 227 of Constitution of India. Hence, writ petition stands rejected and disposed of.

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

(S. G. CHAPALGAONKAR, J.)