

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3972 OF 2024

Barkha D/o Ashok Balkheria (Thakur) and others

Vs.

The Collector (Nazul), Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.A. Lalwani, Advocate for petitioners
Shri B.M. Lonare, AGP for respondents/State

CORAM : SMT M.S. JAWALKAR, J.

DATE : 14.02.2025

Heard learned Counsel for the petitioners and the learned Assistant Government Pleader for respondents/State.

2. Petitioners filed present petition being aggrieved by the order passed by the Additional Commissioner dated 27/03/2024, in Appeal No. 15/MRC-81/2022, rejecting the application for amendment.

3. I have perused the copy of application (page 45), wherein, the petitioners are seeking to add additional grounds in respect of order passed by the learned Collector. It is his contention that the objections which are required to be decided by the learned Collector were decided by the Nazul Tahsildar. In addition to it learned Counsel for the petitioners is also seeking consequential amendment in prayer clause.

4. In my considered opinion, there is no change in the nature of context, if such amendment is allowed. Amendments are required to be allowed if it goes to the merit of the matter and essential to resolve the issue involved in the matter. The learned Additional Commissioner failed to consider this aspect and without there being any reason rejected the application for amendment.

5. The order dated 27/03/2024, passed by the learned Additional Commissioner, Nagpur, below application for amendment, is hereby set aside.

6. The application for amendment is allowed.

7. The petitioners to carry out amendment in Appeal No. 15/MRC-81/2022, within a period of two weeks.

8. The petition stands disposed of.

(SMT M.S. JAWALKAR, J.)