



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

WRIT PETITION NO. 3407 OF 2025

(Chudaman alias Subhash Ganpatrao Tale Vs. Baburao Laxmanrao Hirulkar & Ors.)

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

Court's or Judge's orders.

Mr. N.B. Raut, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
JULY 2, 2025

Challenge is to order dated 15/4/2025 passed below Exh. 74 by the 6th Joint Civil Judge Senior Division, Amravati, in Special Civil Suit No. 27/2017, thereby allowing amendment to the suit. The learned Counsel for the petitioner – original defendant no.1 submits that the amendment has been allowed when the suit was fixed for final argument.

2] Respondent no.1 – original plaintiff filed an application seeking amendment to the prayer clause by which the plaintiff intended to claim relief of declaration of ownership. According to him, the earlier Counsel, who drafted the plaint, for some reason, missed to put forth the said prayer. The mistake was realized by the subsequent Counsel when the matter was fixed for argument.

3] The facts of the case are such that respondent no.1 has allegedly purchased the suit property from the petitioner in the year 1985. According to him, the petitioner then sold the same property to respondent no.2 – original defendant no.2, who passed on the title to

respondent no.3 – original defendant no.3, and thereafter, respondent no.3 passed on the title to respondent nos. 4 and 5 – original defendant nos. 4 and 5. Accordingly, respondent no.1 – plaintiff sought declaration of cancellation of those sale deeds. He, however, failed to seek relief of declaration of ownership.

4] As such, once the subsequent sale deeds are declared as null and void, the respondent no.1, by virtue of sale deed executed between him and the petitioner – defendant no.1, would become the owner of the property, however, for the sake of clarity and in order to avoid further proceedings, the plaintiff appears to have moved an application to amend the prayer clause. The trial Court found that this amendment would bring complete clarity as regards title to the property, and accordingly allowed the amendment.

5] Thus, the trial Court has taken a view, and to my mind, rightly so, that the proposed amendment is necessary, and accordingly allowed the same.

6] I do not find any perversity in the said finding. The petition is accordingly dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit