



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

WRIT PETITION NO.2935/2025

Prashant Narayan Dhore and anr. .Vs. Sau. Naina Vijay Thakare and Ors.

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

Court's or Judge's orders

Ms I. P. Khisit, Advocate for petitioners.

CORAM : ANIL L. PANSARE, J.

DATE : JUNE 11, 2025

Heard.

2. Challenge is to order dated 02.05.2025 passed by 9th Jt. Civil Judge Senior Division, Amravati, rejecting the application filed by petitioners-original defendant Nos.10 and 14, seeking amendment in the written statement. The reason why the application has been rejected finds place in paragraphs 5 and 6 of the order, which read thus:

“5. I have given thoughtful consideration to the submissions of both the sides. It is seen that the defendant no.10 and 14 have already taken pleading in their written statement that defendant no.11 is not the legally wedded wife of deceased Uday Dhore and hence, defendant no.11 to 13 have no right or share in the suit properties. It is further seen that passing of judgment and decree in R.C.S. No.01/2016 and filing of appeals against said decision, are matter of record.

6. In my opinion, this subsequent developments are not required to be brought on record by way of pleading. The same cannot be termed as material facts, but are a matter of record. The present old matter is already posted for final argument. The effect of passing of judgment and decree in R.C.S. No.01/2016 and filing of appeals against said decision can very well be considered at the time of final argument and judgment.

Considering the same, the present amendment application is unnecessary one.”

3. As could be seen, the petitioner intends to bring on record the judgment and decree passed by Court in Regular Civil Suit No. 1/2016, which deals with the rights/shares in the suit properties. The Trial Court was of the view that passing of judgment is matter of record and can be well considered in the arguments. Thus, the purpose of filing the application has been served.

4. That being so, there appears no reason why should this Court interfere in the impugned order in the supervisory jurisdiction under Article 227 of the Constitution of India.

5. The petition is accordingly dismissed.

(Anil L. Pansare, J.)