



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

WRIT PETITION NO. 4445/2025

(KUNDA MADHUKAR BABHALE (D/O LATE YESHWANT ALIAS NATHTHU DASHARATLI
PATIL) & OTHERS **VERSUS** CHANDRAPRABHA MILIND MESHAM (D/O LATE
DASHRATH LAXMAN PATIL AND LATE PAIKABAI DASHRATH LAXMAN PATIL) & ANOTHER)

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

Court's or Judge's order

Shri J.J. Chandurkar, counsel for the petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 02, 2025

Heard the learned counsel for the petitioners.

2. The petitioners' challenge is to the order dated 05.05.2025 passed by the trial Court rejecting the application for amendment of the written statement.

3. It is pointed out that the application for amendment was filed on behalf of the defendant nos.1, 2 and 4 to 7 however, the same was filed by the power of attorney holder Sudhir Shaligram Patil who was in fact power of attorney holder of defendant nos.8, 10, 11 and 12. It is therefore pointed out that the application for amendment was filed by an improper person who was not authorized to file the application on behalf of the defendant nos.1, 2 and 4 to 7. The counsel for the petitioners submits that the defendants are entitled to file a proper application for amendment of written statement through proper power of attorney holder. Considering the fact that the petitioners are entitled to file their separate application for amendment, the counsel for the petitioners seeks permission to withdraw the instant writ petition with liberty to file a fresh amendment application.

4. On a perusal of the impugned order, it appears that the trial Court has properly considered the fact that the application was wrongly filed by a person who has signed it on behalf of other person and therefore the impugned order rejecting the application need no interference. However, considering the request of the petitioners, the writ petition is permitted to be withdrawn with liberty to the petitioners to file separate amendment application. It is clarified that the application for amendment, if filed by the petitioners, be considered by the trial Court independently, without being influenced by the order dated 05.05.2025 passed below Exhibit 56. The writ petition is accordingly disposed of with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)