



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

WRIT PETITION NO. 5086 OF 2024

(Ahmed Kha Musa Kha Pathan (dead) through LRs vs. Shaikh Razzak Shaikh Hamid)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Atharva Manohar, Advocate for petitioners.
Mr. Tejas Deshpande, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
OCTOBER 06, 2025

1) Heard learned counsel for the petitioners and respondent.

2) The petitioners who are the plaintiffs in R.C.S. No.50/2016 challenged the order passed by the learned Civil Judge Junior Division, Chikhali, District Buldhana, whereby the application filed by the respondent for seeking amendment in written statement at Exh.96 came to be allowed.

3) Learned counsel for the petitioners submitted that the application was filed after the evidence of the plaintiffs was already commenced and therefore, at such a belated stage, the learned trial Court ought not to have allowed the application for amendment.

4) Per contra, learned counsel for the respondent submitted that it is a clerical mistake and the same could not be avoided in spite of due diligence and no prejudice would be caused, if the amendment is allowed.

5) I have heard both the counsels for the petitioners and respondent. After going through the record, it shows that in the

suit evidence was already started, therefore, once the trial has already commenced, it would be inappropriate on the part of the trial Court to permit the respondent to amend the written statement. Therefore, in view of that, order cannot be sustained and same is liable to be set aside.

6) In view of above facts, the writ petition is allowed. The order passed by the learned trial Court below Exh.96 in Regular Civil Suit No.50/2016 passed by the Civil Judge Junior Division, Chikhali, District Buldhana is hereby quashed and set aside. No order as to costs.

(SIDDHESHWAR S. THOMBARE, J.)