



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

WRIT PETITION NO.6821 OF 2025

KASHINATH S/O. CHANDU SATHARKHAR (DEAD) THR. LRS., EKNATH
S/O. KASHINATH SATHARKAR (DIED) AND OTHERS
VERSUS
RAMCHANDRA MAROTRAO NARAD

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. C.F. Bhagwani, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 13th NOVEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 28.07.2025, passed by 17th Joint Civil Judge Senior Division, Nagpur, by which the application for amendment filed by the respondent/plaintiff at Exhibit 68 in R.C.S. No.382 of 2014, is allowed.
3. Learned Advocate for the petitioners submits that, by way of amendment application, the plaintiff has attempted to introduce certain facts, which were within the knowledge of plaintiff and the pleadings ought to have been incorporated in the plaint. Learned Advocate submits that the application for amendment was filed after the order on temporary injunction application was passed and it is an attempt to fill up the lacuna.

4. A perusal of the proposed amendment shows that the plaintiff wants to incorporate certain clarifications and there is nothing to indicate that the proposed amendment will change the nature of suit. It is pertinent to note that the amendment application is filed by the plaintiff before evidence was started in the suit and the defendants are, therefore, entitled to submit their pleadings to controvert the averments introduced by way of proposed amendment.

5. A perusal of the impugned order shows that the trial court has given due consideration to all the relevant aspects and considering the fact that the proposed amendment is not inconsistent with the claim of the plaintiff and will not change the nature of suit, a well reasoned order is passed by the trial court, which needs no interference.

6. In view of these aspects, no indulgence is required under Article 227 of the Constitution of India and therefore, the writ petition is dismissed.

7. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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