



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

WRIT PETITION NO.6030 OF 2024

(Radheshyam s/o Govindram Mantri, thr. Power of Attorney Sandip s/o
Satyanarayan Malpani Vs. Dr. Rajeshwar s/o Sardarsingh Malani and others)

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

Court's or Judge's orders.

Mr. S. D. Chopde, Advocate for Petitioner.
Mr. K. S. Narwade, Advocate for Respondent No.1.

CORAM: R. M. JOSHI, J.

DATE: 30th JUNE, 2025.

1. This petition takes exception to the order dated 03.09.2024 passed by the learned Civil Judge, Senior Division, Pusa, District Yavatmal in Regular Civil Suit No.42/2023 whereby the application filed by the plaintiff under Order VI, Rule 17 of the Civil Procedure Code, 1908 to amend the plaint came to be allowed.

2. Petitioner is defendant therein. He has serious grievance in respect of the *bona fideness* of the amendment the plaint which is sought to be made by plaintiff. Learned Counsel for the petitioner/original defendant strenuously argued against impugned order by pointing out the pleadings stated in the plaint so also the written statement filed by the defendant. It is his contention that in view of facts appearing on record the amendment cannot be called as *bona fide* and in view of the judgment of the Hon'ble Supreme Court in case of *Revajeetu Builders and*

Developers v. Narayanaswamy and Sons and others (2009)
10 SCC 84 such amendment could not have been allowed.

3. Learned counsel for the respondent original plaintiff supported the impugned order.

4. There is no dispute about the fact that the trial has not commenced. In any such circumstances the only issue that would be required for consideration is as to whether the amendment is relevant or not. Though there could be substance in the contention of the Counsel for the petitioner that the *mala fide* amendment cannot be allowed. However, the question arises as to whether the issue of *bona fide* or otherwise or the merit of the amendment cannot be gone into and decided at this stage. Suffice it to say that the amendment is relevant, needs to be allowed.

5. In view of above, the petition stands dismissed, as no perversity is found in the impugned order.

(R. M. JOSHI, J.)