



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

WRIT PETITION NO. 5950 OF 2024

(Sunil s/o Mahadeo Uchade and others vs. Rameshkumar s/o Jagdishprasad Chandak and others)

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

Court's or Judge's order

Mr. A.P.Tathod, Advocate for petitioners.
Mr. H.R.Gadhia, Advocate for respondents.

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

- 1) Heard learned counsel for the petitioners and learned counsel for the respondents.
- 2) The petitioners who are the original defendants have challenged the order dated 25/09/2024 passed by the 2nd Joint Civil Judge Junior Division, Shegaon below Exh.229, whereby the application filed by the plaintiffs seeking amendment came to be allowed.
- 3) Learned counsel for the petitioners submitted that by the said application, the plaintiff sought amendment which has changed the nature of suit. He further submits that the trial is already commenced and once the trial is commenced, it would not be appropriate on the part of the plaintiffs to file an application for amendment. Furthermore, learned trial Court ought not to have considered such application.
- 4) Per contra, original plaintiffs invited my attention to the application filed by them, whereby the amendment was sought. Learned counsel submitted that by way of an amendment,

he wants to delete the prayer clause (B) and it will not change the nature of the suit.

5) Having heard both the counsels and after going through the order passed by the learned trial Court, I find that the learned trial Court has rightly considered the matter and specifically observed that the prayer clause (B) is replaced with proposed prayer clause (B) and it would not change the nature of the suit and will not cause prejudice to the defendants, therefore, I find that the view taken by the learned trial Court, is reasonable one and therefore, I find no perversity in the order passed by the learned trial Court. In view of that the writ petition is hereby dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBARE, J.)