



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

WRIT PETITION NO.7922 OF 2023

Suryakant Shankarappa Trankatwar Vs. Rajeshwar Shankarappa Trankatwar

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. V. N. Patre, Advocate for petitioner.

Mr.S.A. Chaudhari, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.

DATE : 10.11.2025.

. The petitioner who is the original defendant had filed three separate applications in Regular Civil Suit No.87 of 2019 for amendment in written statement, counterclaim and in application for temporary injunction filed in counterclaim which are rejected by the learned Trial Court prior to the framing of issues. The original defendant is aggrieved by the said orders and therefore, he has approached this Court assailing the same.

2. Perusal of the orders indicate that the learned Trial Court has rejected the applications primarily on the ground that it will alter the nature of the suit. The suit is for injunction. In the said suit, the present petitioner (original defendant) has filed a counterclaim claiming relief of injunction. Both parties are claiming to be in possession of the suit property.

3. By way of the present amendment, the defendant intends to bring on record an order in tenancy

proceedings passed by the Tahsildar, wherein according to him possession of the defendant is duly established.

4. In that view of the matter, in the considered opinion of this Court, the nature of suit will not be altered by virtue of the amendment. Since the applications for amendment are filed prior to the framing of issues, in the considered opinion of this Court, the application should have been allowed. In view of the aforesaid, the writ petition is **allowed** in the following terms:-

I. Order dated 10.10.2023 passed by the learned Second Joint Civil Judge, Junior Division, Pusa on applications at Exh.59, 60 and 61 in Regular Civil Suit No.87 of 2019 are quashed and set aside and the said applications are **allowed**.

(ROHIT W. JOSHI, J.)

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