



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

**WRIT PETITION NO.169 OF 2024**

Sou. Sunanda w/o Madan Shirsat Vs. Suresh Narayan Jadhav & ors

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

Court's or Judge's orders.

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Shri Sachin Deshpande, Advocate for petitioner.  
Shri A.S.Manohar, Advocate for respondent nos.4 to 10.

**CORAM : M.W. CHANDWANI, J.**

**DATE : 05.12.2025.**

1. The petition challenges the rejection of application for amendment of the plaint filed by the petitioner under Order VI Rule 17 of the Code of Civil Procedure. It appears that the said application came to be rejected on the ground that the trial has commenced.

2. The learned counsel for the respondent nos.4 to 10 has fairly submitted that since the evidence of the plaintiff has not started at the time of the impugned order, the trial has not commenced; however, he objected the petition on the ground that the challenge sale-deeds by way of amendment will be barred by limitation.

3. Since the trial had not commenced on the date of application, the finding recorded by the trial Court that the said application is rejected on the ground that the trial has commenced and the said application is erroneous. Therefore, the impugned order rejecting the application is

set aside and the application for amendment filed by the petitioner is allowed. However, point of limitation raised by the respondent is kept open.

4. With the aforesaid terms, the petition is disposed of. No order as to costs.

**JUDGE**

*Wagh*