



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

Writ Petition No. 1669 of 2025

lhar s/o Gyaniram Gaupale ..vs.. Smt. Rakhi Bhagwat Kohare (deleted), Onkar s/o Bhagwat Kohare and ors.]

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

Court's or Judge's orders

Mr. K. S. Motwani, Advocate for the petitioner through video conferencing

CORAM : ANIL L. PANSARE J.

DATED : 27-03-2025

The challenge is to order dated 3-11-2024 passed by the trial Court rejecting request made by the petitioner – original defendant to amend written statement.

Having heard learned counsel for the petitioner, it appears that the respondents – original plaintiffs have filed suit for declaration, injunction and possession. The petitioner filed written statement claiming himself to be in possession of the suit property. Pending suit, the Tahsildar effected entry in revenue record showing name of defendant as occupant of the property. The said order has been stayed by the Sub Divisional Officer. The petitioner intended to bring on record these orders saying that these are subsequent developments. The trial Court, however, was of the view that basic contention of the petitioner that he is in possession of the suit property finds place in the written statement and, therefore, the orders passed by the revenue authorities may not be of any significance. Accordingly, rejected the application.

I do not find any error in the aforesaid approach in as much as the orders so passed by the revenue authorities could be taken aid of as evidence in support of the case of the petitioner that he is in possession of the suit property. Merely because some orders have been passed in revenue enquiries,

which are likely to be carried forward, the petitioner cannot claim such orders to be subsequent development when the fundamental story of the petitioner remains the same viz. that he is in possession of the suit property. The order appears to be in consonance with the material placed on record as also provisions of law. No interference is called for in the impugned order. The petition is dismissed *in limini*.

(Anil L. Pansare, J.)

wasnik