



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

WRIT PETITION NO.3959 OF 2024

Shri Vijay S/o. Khushalrao Panchabhai
Vs.

Smt. Kavita W/o. Vijay Chandak and Others

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

Court's or Judge's orders

Mr. B.R. Damodar, Advocate for the Petitioner.
Mr. A.K. Sorde, Advocate for the Respondent Nos.1 and 2.

CORAM: SIDDHESHWAR S. THOMBRE, J.
DATED : 09th OCTOBER, 2025

1. Heard learned counsel for the petitioner and learned counsel for the respondent.
2. Learned counsel for the petitioner who is the original plaintiff assailed the order below Exh.67 passed in Special Civil Suit No.1404/2010 rejecting the application for amendment to add the party defendant to the suit. Learned counsel for the petitioner submitted that the agreement of sale was already on the record and is placed alongwith the copy of plaint and if the amendment is allowed and proposed defendant is permitted to be added, it would not cause any prejudice to the other parties i.e. the defendants. It was further submitted that the learned trial Court did not consider the same and on the ground of delay, the application came to be rejected.
4. Per contra learned counsel for the respondent Nos.1 and 2 submitted that in the year 2016 also the

petitioner filed an application for addition of parties and the same was not considered by the learned Trial Court. Again on the same ground another application was filed for addition of the party, by way of an amendment.

5. I have gone through the documents placed on record by the petitioner as well as the order passed by the Joint Civil Judge Senior Division, Nagpur. The learned trial Court has considered that the suit is of the year 2010 and the application was filed on 12.06.2023 i.e. almost after a period of 13 years and therefore, on the ground of delay the learned trial Court rejected the application. In-fact the learned Trial Court has also taken into consideration that the application Exh.26 which was for addition of the proposed defendant Ms. Jyoti Jasraj Chandak was already rejected and now by way of an amendment application, the same prayer is being made. Therefore, the learned Trial Court has rightly rejected the application. Considering the document and the observations made by the Learned Trial Court, I am not inclined to entertain the writ petition under Article 227 of the Constitution of India. Accordingly, writ petition is **dismissed**. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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