



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

Writ Petition No.6050 of 2024

Shrikrishna Pandurang Thosar Vs. Smt. Savita Gajanan Adchule and another

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

Court's or Judge's orders.

Mr.S.B.Mohta, Advocate for petitioner.

Mr. S.V.Sohoni, Advocate for respondent nos.1 and 2.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09/10/2025.

1. Heard Mr. S.B. Mohta, learned counsel for the petitioner and Mr. S.V.Sohoni, learned counsel for respondent nos.1 and 2.

2. The petitioner is aggrieved by the order dated 23.2.2024 passed by the learned Civil Judge, Junior Division, Balapur, in Regular Civil Suit No.68/2014, whereby the application filed by the petitioner seeking an amendment came to be rejected.

3. Mr. Mohta, learned counsel for the petitioner, would submit that the petitioner had filed a suit for permanent injunction and during the pendency of the said suit, he was dispossessed from the suit property. He contended that on 19th April, 2023 by taking disadvantage of the order passed by this Court in the earlier petition, which came to be dismissed, the petitioner was dispossessed, on the very next day, he filed an application seeking amendment. The learned counsel further submitted that the proposed amendment arises out of a separate cause of action and does not change the nature of the suit. Therefore, the order passed by the learned Trial Court rejecting the amendment application deserves to be interfered with.

4. Per contra, Mr.Sohoni, learned counsel for respondent nos.1 and 2, pointed out that by the earlier order passed by the learned Trial Court as well as order passed by this Court in Writ Petition No.1992/2022, the application for amendment had already been rejected. He contended that this Court had granted liberty to the petitioner to move an application afresh, if such occasion arises, and on such imaginary ground such application has been filed.

5. I have gone through the order passed by the Trial Court as well the order passed by this Court in Writ Petition No. 1992/2022 and the application filed for amendment as well as say on that application filed by the respondents.

6. After going through the order, it reveals that in suit for permanent injunction, earlier application for amendment had been filed and the same was rejected. This Hon'ble Court had, however, granted liberty to take appropriate pleadings and file fresh application for amendment, if occasion so arises.

7. The Trial Court had recorded findings based on the submissions by the respective parties and the observations made therein cannot be said to be unreasonable.

8. I, therefore, do not find any reason to interfere with the order dated 23.2.2024 passed by the Trial Court in Regular Civil Suit No.68/2014 under Article 227 of the Constitution of India. Hence, the writ petition is dismissed. There shall be no order as to costs.

(Siddheshwar S. Thombre, J)