



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

WRIT PETITION NO. 2119/2025

**Sandesh S/o Subhash Sonare Vs. Sau. Sandhya Yadavrao Bhad and
others**

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

Mr. N.G. Jetha, Advocate for Petitioner

Mr. S.M. Vaishnav, Advocate for Respondent No.1

CORAM: ANIL L. PANSARE, J.

DATED : 10th JULY, 2025

1. The challenge is to the order dated 21.12.2024, passed by the first appellate Court, permitting the respondents / appellants to amend the appeal memo.

2. It appears that on the earlier occasion the first appellate Court has decided the appeal and the matter was filed before this Court in Second Appeal No. 189/2021. The Court was pleased to allow the appeal partly. The First Appeal was remanded back to the appellate Court for consideration afresh. The order of the remand does not indicate that the first appellate Court should render a finding only on particular point, rather, the entire appeal was remanded back for consideration afresh. In that sense, the first appellate Court had jurisdiction to permit amendment to appeal. It appears that the respondents intended to put-forth additional grounds, which the first appellate Court found to be valid. The first appellate Court also noted that addition of ground will cause no prejudice to the petitioner / original respondent.

3. The counsel for the petitioner failed to show that these grounds will cause any prejudice to their case. That being so,

there appears no reason to interfere with the impugned order dated 21.12.2024 passed below Exh.44 in Regular Civil Appeal No. 78/2018, by the District Judge-1, Wardha, in the supervisory jurisdiction under Article 227 of the Constitution of India.

4. The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

MP Deshpande