



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

WRIT PETITION NO. 5694 OF 2025

Rahul Ramkrushna Wadhokar, Aged about 35 years,
Occ. Business, R/o Rokadiya Nagar, Shegaon,
Taluka Shegaon, District Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its Managing Trustee – Nilkanth Shivshankar Patil, Aged about 52 years, Occ. Business, R/o Shegaon, Taluka Shegaon, District Buldana.
2. Rameshchandra Champalal Dangra, Aged about 55 years.
3. Chandulalji Kisanlalji Agrawal, Aged about 55 years.
4. Kishor Tryambakdas Tank, Aged about 50 years.
5. Ashok Tryambakrao Deshmukh, Aged about 55 years.
6. Shrikant Shivshankar Patil, Aged about 48 years.
7. Vishveshwar Shaligram Trikal, Aged about 60 years.
8. Pankaj Gajanan Shitut, Aged about 65 years.

All are trustees of Shri Gajanan Maharaj Sansthan,
C/o Shri Gajanan Maharaj Sansthan, Shegaon,
Taluka Shegaon, District Buldana.

RESPONDENTS

WITH

WRIT PETITION NO. 5736 OF 2025

Nitin Gajanan Padmane, Aged about 42 years,
Occ. Business, R/o Near Gajanan Maharaj Temple,
Shegaon, Taluka Shegaon, District Buldana.

PETITIONER

VERSUS

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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5735 OF 2025

Amar Arun Sharma, Aged about 45 years, Occ. Business,
R/o Bhairav Chowk, Shegaon, Tq. Shegaon, Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5740 OF 2025

Dnyaneshwar Trambak Sakhare, Aged about 45 years,
Occ. Business, R/o Sai Nagar, Shegaon, Tq. Shegaon,
Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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C/o Shri Gajanan Maharaj Sansthan, Shegaon,
Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5707 OF 2025

Vidhya Vijay Bawaskar, Aged about 50 years, Occ. Business,
R/o Kumbhar Wada, Shegaon, Tq. Shegaon, Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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C/o Shri Gajanan Maharaj Sansthan, Shegaon,
Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5692 OF 2025

Harish Shyamsundar Wadhokar, Aged about 43 years,
Occ. Business, R/o Jagdamba Nagar, Shegaon, Tq. Shegaon,
Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5733 OF 2025

Vanmala Tulshiram Sonone, Aged about 65 years,
Occ. Business, R/o SBI Colony, Shegaon, Tq. Shegaon,
Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its Managing Trustee – Nilkanth Shivshankar Patil, Aged about 52 years, Occ. Business, R/o Shegaon, Taluka Shegaon, District Buldana.
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C/o Shri Gajanan Maharaj Sansthan, Shegaon,
Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5709 OF 2025

Rekha Pramod Deshmukh, Aged about 47 years, Occ. Business,
R/o Deshmukh Pura, Shegaon, Tq. Shegaon, Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its Managing Trustee – Nilkanth Shivshankar Patil, Aged about 52 years, Occ. Business, R/o Shegaon, Taluka Shegaon, District Buldana.
2. Rameshchandra Champalal Dangra, Aged about 55 years.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5727 OF 2025

Gajanan Gourishankar Bhartiya, Aged about 68 years,
Occ. Business, R/o Gandhi Chowk, Shegaon, Tq. Shegaon,
Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its Managing Trustee – Nilkanth Shivshankar Patil, Aged about 52 years, Occ. Business, R/o Shegaon, Taluka Shegaon, District Buldana.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH
WRIT PETITION NO. 5708 OF 2025

Jagdish Bhumilal Bharatiya (Deceased) through LRs

1. Kalawati Jagdish Bhartiya, Aged about 47 years, Occ. Business.
2. Anil Jagdish Bhartiya, Aged about 38 years, Occ. Business.
3. Ganesh Jagdish Bhartiya, Aged about 41 years, Occ. Business.

Petitioner Nos.1 to 3 R/o Gandhi Chowk,
Shegaon, Tq. Shegaon, Dist. Buldana.

4. Savita Pawan Bhartiya, Aged about 45 yrs., Occ. Housewife, R/o Chikhali, Tq. Chikhali, Dist. Buldana.

PETITIONERS

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its Managing Trustee – Nilkanth Shivshankar Patil, Aged about 52 years, Occ. Business, R/o Shegaon, Taluka Shegaon, District Buldana.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH

WRIT PETITION NO. 5714 OF 2025

Rekha Purushottam Karale, Aged about 60 years,
Occ. Business, R/o Near Burje Patil Wada, Shegaon,
Tq. Shegaon, Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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Taluka Shegaon, District Buldana.

RESPONDENTS

WITH

WRIT PETITION NO. 5726 OF 2025

Ganesh Ramesh Deshmukh, Aged about 53 years,
Occ. Business, R/o Fule Nagar, Shegaon,
Tq. Shegaon, Dist. Buldana.

PETITIONER

VERSUS

1. Shri Gajanan Maharaj Sansthan, Through its
Managing Trustee – Nilkanth Shivshankar Patil,
Aged about 52 years, Occ. Business, R/o Shegaon,
Taluka Shegaon, District Buldana.
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C/o Shri Gajanan Maharaj Sansthan, Shegaon,
Taluka Shegaon, District Buldana.

RESPONDENTS

Shri J.B. Gandhi, counsel for the petitioner in all the petitions.
Shri A.R. Patil, counsel for the respondents in all the petitions.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : NOVEMBER 26, 2025

DATE ON WHICH JUDGMENT IS PRONOUNCED : DECEMBER 04, 2025

JUDGMENT

Heard learned counsel for the petitioners as well as respondents in all the cases. **RULE.** Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. All these petitions involve same controversy and deal with identical orders passed by the trial Court in identical suits filed by the respondents against individual persons seeking their eviction and possession under Section 16(1)(c)(g) of Maharashtra Rent Control Act, 1999 (for short, the Act of 1999'). Since the counsel for the petitioners as well as respondents are same in all the petitions and they have advanced common arguments, all these petitions are decided by this common judgment.

3. The petitioners have challenged the order dated 21.08.2025 passed by the trial Court rejecting their applications under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'the Code') for amendment of the written statement.

4. For the sake of convenience, facts of Writ Petition No.5694 of 2025 are being taken into consideration. The petitioner is original defendant in the suit filed by the respondent-Sansthan under Section 16(1)(c)(g) of the Act of 1999 seeking eviction and possession based on the registered agreement of leave and license dated 28.06.2011. The petitioner-defendant had appeared in the suit and filed his elaborate written statement taking a stand that his signature was obtained on the agreement by coercion and undue influence and he has asserted his status as tenant. In the suit, the evidence started and during at the stage of cross-examination of the plaintiff's second witness, the defendant had filed an application at Exhibit 212 seeking amendment of written statement by proposing to add certain paragraphs mainly containing contentions about comparative hardship. The respondent-plaintiff opposed the application and the trial Court passed the order dated 21.08.2025 thereby rejected the same. The petitioner has challenged this order by way of instant petition.

5. Shri J.B. Gandhi, learned counsel for the petitioners vehemently submitted that the defendant is entitled to raise plea of comparative hardship and in view of the case put up by the plaintiff in the plaint it is necessary for the defendant to incorporate this plea for effective and complete adjudication of the controversy involved in the suit. He submitted that the evidence in the matter is yet to be finished and the plaintiff is entitled to lead evidence even with respect to the amended portion of the written statement. He submitted that the proposed amendment only elaborates and amplifies the defence of the defendants which is already taken and no new defence is sought to be raised. In support of his submissions, he relied upon the judgments of the

Hon'ble Supreme Court in *State of Bihar & Others Versus Modern Tent House & Another* [(2017) 8 SCC 567] and *Baldev Singh & Others Versus Manohar Singh & Another* [(2006) 6 SCC 498]. By pointing out the position of law as laid down in these judgments, he submitted that the amendment of written statement has to be considered more liberally and an amendment to elaborate the facts already pleaded in the written statement in the nature of amplification of defence already taken has to be allowed since it does not cause any prejudice to the plaintiff. He also submitted that even if the proposed amendment is allowed, the initial burden cast on the parties will not be shifted and the amendment application was required to be allowed in the interest of justice.

6. Shri A.R. Patil, learned counsel for the respondents vehemently opposed the petition. He submitted that the amendment to the written statement is sought after commencement of the trial when the cross-examination of the plaintiff's second witness is underway. He also submitted that the defendant failed to exercise due diligence and there are absolutely no reasons as to why the pleadings with respect to comparative hardship were not incorporated in the written statement which is already filed on record. He strenuously submitted that the defendant had earlier amended the written statement on two occasions vide orders dated 23.10.2019 and 27.11.2019 and could have incorporated the pleadings by way of said amendment. However, even after amending the written statement earlier, the instant application at Exhibit 212 to amend the written statement in the midst of evidence of plaintiff's witness is clearly an attempt to prolong the suit. In support of his submissions, he placed reliance on the judgment of the

Co-ordinate Bench of this Court in *Noor Kabirdin Meghani & Others Versus Sanjeev Manuel D'Souza* [2021(5) Mh.L.J. 594] and submitted that in absence of anything to demonstrate due diligence on the part of the defendant, the amendment application deserved to be rejected in view of proviso to Order VI Rule 17 of the Code.

7. Rival contentions, thus, fall for my consideration.

8. The record reveals that the application for amendment at Exhibit 212 is filed by the defendant after the evidence of the plaintiff started and that too at a stage when the evidence of plaintiff's second witnesses Deepak Leeladhar Patil was deferred. By the proposed amendment, the defendant has proposed to add certain contentions about comparative hardship likely to be caused to the defendant, which aspect is related to provisions of Section 16(2) of the Act of 1999. It is crucial to note that the defendant had already filed elaborate written statement and thereafter filed applications for amendment vide Exhibits 59 and 62 which were allowed by the order dated 23.10.2019 and 29.11.2019. The suit proceeded further and after the evidence of the plaintiff commenced, the instant application for further amendment of written statement is filed. As such, it is clear that the defendant could have incorporated all the available pleadings while filing earlier amendment applications. The defendant had failed to demonstrate any convincing reason as to why the proposed amendment was not incorporated in the earlier amendment applications. Moreover, the contentions sought to be raised by the proposed amendment are not related to any subsequent developments which occurred after the earlier application for amendments were allowed but are related to the legal position under

Section 16(2) of the Act of 1999. It is thus clear that the defendant has failed to exercise due diligence in filing the application for amendment.

9. It is crucial to note that the issue of comparative hardship is not framed. As such, the issue relating to comparative hardship being based on the legal position under Section 16(2) of the Act of 1999 can otherwise be considered while dealing with the issues for eviction and possession which are to be adjudicated in the suit. There does not appear any need to incorporate the pleadings about comparative hardship for effective adjudication of the controversy involved in the suit. Pertinently, this plea is sought to be raised after commencement of trial without demonstrating any convincing reason for lack of due diligence.

10. A perusal of the impugned order shows that the trial Court has given due consideration to all the factual and legal aspects and by considering the fact that the amendment application was filed after commencement of trial without any due diligence on the part of the defendant, has rightly rejected the same. The impugned order passed by the trial Court is in consonance with the legal position and depicts sound reasoning on the part of the trial Court. The petitioner has failed to demonstrate any perversity or illegality in the impugned order.

11. The position of law laid down in the judgments relied upon by the counsel for the petitioners is not disputed. It is settled position of law that amendment to written statement has to be considered liberally however, in the peculiar facts of this case, the amendment application filed in the midst of evidence of the plaintiff and without demonstrating any due diligence cannot

be allowed. The judgment of the Hon'ble Supreme Court in ***State of Bihar*** (supra) is relied upon by the counsel for the petitioner to contend that an amendment to elaborate and amplify the defence of the defendant has to be allowed, particularly when no new defence is sought to be introduced. However, in the instant case, the amendment sought by the defendant is without due diligence and cannot be allowed in view of the proviso to Order VI Rule 17 of the Code. Further in the wake of prejudice likely to be caused to the plaintiff, the judgment in ***State of Bihar*** (supra) is of no assistance to the petitioner.

12. It is relevant to note here that at the same stage of the suit, the petitioners herein, who are defendants before the trial Court have also filed separate applications for direction to the plaintiff to file on record certain documents only on the basis of the answers given by the plaintiff's second witness in the cross-examination. The applications filed by the defendants under Order XI Rule 14 of the Code were rejected by the trial Court and the said orders were challenged by the petitioners before this Court by way of separate petitions bearing Writ Petition No.5689 of 2025 with connected matters. By the judgment dated 28.11.2025, the writ petitions were dismissed with costs, by considering the conduct of the defendants who had earlier filed several applications with an attempt to prolong the suit. The applications for amendment which are under consideration were filed in the midst of evidence of plaintiff's witnesses and also appear to be an attempt to prolong the litigation.

13. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India. The writ petitions deserve to be dismissed and the same are dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE