



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

Writ Petition No.6724/2025
Ghanshyam V Bhupendra and others

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

Court's or Judge's orders

Mr. A.J. Gilda, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 06-11-2025.

Heard learned Advocate for the petitioner.

2. Petitioner's challenge is to order dated 03-10-2025 passed by the trial Court, allowing the application for amendment at the stage of final hearing of the civil suit. Learned Advocate for the petitioner submits that the plaintiffs in the suit had although earlier got the suit amended by incorporating various pleadings in respect to sale deed dated 12-07-2018 which is in favour of the petitioner who is defendant no.3 in the civil suit, fresh application for amendment at Exhibit-117 is filed for claiming relief of declaration with respect to the said Sale Deed. Learned Counsel for the petitioner submits that the plaintiffs failed to fulfill the test of due diligence and in absence thereof the Court had no jurisdiction to entertain the application for amendment. In support of his submissions he relies on judgment in the matter of **B. Nandini Raju through her Power of Attorney Holder and Authorized Representatives, D.V.S. Subbaruj vs Raguhari and others**, reported in **2025 SCC OnLine Bom 1110** and also submits that by way of the impugned order, the time barred claim is sought to be raised in the civil suit.

3. In view of this, issue notice to the respondents, returnable after four weeks.

4. In the meantime, ad-interim relief in terms of prayer clause (ii), which is reproduced below :-

(ii) By an appropriate interim order, stay the further proceedings of Spl. C.S. No.127/2018 pending the on file of 8th Joint Civil Judge, Senior Division, Amravati.”

(Prafulla S. Khubalkar, J.)