



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO. 558 OF 2026

AAREF KHAN NAWAZ KHAN MULTANI DIED THR LRS NAZMEEN AAREF
KHAN MULTANI AND OTHERS

VERSUS

SHABANA BEGUM SHAIKH ABDUL JABBAR

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Mr. Ameya J. Bhatt h/f Mr. S. S. Kote, Advocate for the Petitioners

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 3rd FEBRUARY, 2026

P C. :-

1. The present Writ Petition takes exception to order dated 04.08.2025 passed below Exhibit 17 in R.C.S. No. 79 of 2024 by learned Civil Judge, Junior Division, Aurangabad.

2. The Petitioners are Defendants in suit. The Respondent/Plaintiff instituted suit seeking declaration and perpetual injunction in respect of suit property. The Plaintiff has also sought declaration that sale deed in question is illegal, invalid and not binding on her rights. The Respondent/Plaintiff, realizing a mistake in pleading about particulars of sale deed under challenge, made an application below Exhibit 17 for permission to correct sale deed number and its date. The Trial Court allowed said application observing that amendment is necessary for complete adjudication of dispute in suit.

3. Learned Advocate appearing for Petitioners submits that Petitioners/Defendants have raised an objection as to valuation of suit and sought rejection of plaint by filing application under Order VII Rule 11 of Code of Civil Procedure. In wake of pendency of such an application, Trial Court could not have entertained plea for amendment. He endeavors to suggest that, valuation of suit is improperly made, otherwise suit would not be maintainable before learned Civil Judge Junior Division for want of pecuniary jurisdiction.

4. Having considered submissions advanced, it can be observed that suit instituted by Respondent/Plaintiff is at nascent stage. The proposed amendment is only as regards to change of registration number of sale deed, which is technical and does not tantamount to change the nature of dispute. As rightly observed by Trial Court, such an amendment would be necessary to finally adjudicate controversy between parties.

5. Although Petitioner has filed an application under Order VII Rule 11 of Code of Civil Procedure for rejection of plaint that itself would not be impediment to consider application for amendment. The Petitioner is at liberty to raise all contentions before Trial Court while arguing his application under Rule VII Order 11 of Code of Civil Procedure.

6. In the facts of case, it is expected that Trial Court will endeavour to decide Petitioner's application at Exhibit 30, filed under Rule VII of Order 11 of Code of Civil Procedure within a period of three months from today. Accordingly, petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp