



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 559 OF 2026

SURESH EKNATH GIRME AND ANOTHER
VERSUS
KISHOR EKNATH GIRME AND OTHERS

...

Mr. V. P. Latange, Advocate for the Petitioners

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 23rd JANUARY, 2026

P. C. :-

1. The present Writ Petition takes exception to the order dated 30.10.2025 passed by 4th Jt. Civil Judge, Junior Division, Shrirampur below Exhibit 169 in Regular Civil Suit No. 23 of 2009, whereby Application filed by Respondents/plaintiffs seeking amendment in plaint has been allowed.

2. The Respondent Nos.1 and 2 instituted Regular Civil Suit No. 23 of 2009 before Civil Judge, Junior Division, Shrirampur seeking relief of perpetual injunction particularly restraining Defendant Nos.1 to 5 from alienating of creating third party interest in Gram Panchayat house No. 328 (A)(B). The Petitioners contested the suit by filing written statement. Issues were framed. The evidence of parties was recorded. At this stage Plaintiffs filed an application seeking amendment in plaint. The Trial Court allowed

said application vide impugned order dated 03.10.2025.

3. Mr. Latange, learned Advocate appearing for Petitioners, would submit that amendment in plaint could not have been allowed at fag end of trial. He would point out that proposed amendment is in respect of facts which were within knowledge of plaintiffs since 2018. The due diligence clause under proviso to Order VI Rule 17 of Code of Civil Procedure is not complied with. In that eventuality, the amendment could not have been allowed.

4. Having considered submissions advanced, it can be observed that plaintiffs sought amendment in respect of developments which took place during pendency of the suit. The Defendants executed sale deed dated 31.10.2012 in favour of proposed Defendant No.11 in respect of suit property. It appears that sale deed has been executed while lis pendens was registered. The Plaintiffs want to bring aforesaid facts on record along with addition of proposed Defendant No.11/purchaser as part in suit.

5. It is true that application for amendment has been filed at belated stage particularly after commencement of trial. However, Trial Court after considering the law laid down by Hon'ble Supreme Court in case of *Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited, 2022*

SCC OnLine 1128, observed that proposed amendment is necessary for full and final adjudication of dispute between parties. The amendment does not change the nature of dispute and proposed amendment is bonafide. The discretion exercised by Trial Court appears to be consistent with principles of law laid down by Supreme Court of India in case of ***Life Insurance Corporation of India*** (supra).

6. In that view of matter, this Court do not find any reason to invoke extra ordinary jurisdiction under Article 227 of the Constitution of India. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp