

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11347 OF 2025

DILIP VASUDEO ARANKALLE
VERSUS
MANOHAR LAXMAN UMAP AND OTHERS

.....

Advocate for the Petitioner : Mr. Ganesh B. Patunkar
Advocate for Respondent No.1 : Mr. Sagar P. Mahale h/f. Mr. Shaikh
Mazhar A. Jahagirdar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 08th JUNE, 2026.

PER COURT :

1. The present Writ Petition takes exception to order dated 20.01.2025 passed by learned Civil Judge, Senior Division, Ahmednagar below Exhibit-78 in Regular Civil Suit No.421 of 2019, whereby petitioner's application seeking amendment in plaint has been rejected.

2. The Petitioner/plaintiff instituted Regular Civil Suit No.421 of 2019 seeking decree of mandatory injunction and perceptual injunction. Respondents filed their written statement. Issues were framed and suit was posted for evidence. The evidence of Officer from Village Panchayat is recorded. At this stage, Petitioner filed an application seeking amendment in plaint to incorporate prayer for declaration against Resolutions passed by Gram Panchayat. The Trial Court refused

to entertain petitioner's prayer for amendment on the ground that Petitioner was aware about Resolutions passed in the year 2018-2019 prior to institution of suit. The prayer for declaration against those Resolutions is sought to be incorporated after commencement of trial, particularly when such relief is barred by law of limitation.

3. This Court finds that observations of Trial Court are supported by factual and legal backdrop of the matter. Undisputedly, Petitioner was aware about Resolutions of the Gram Panchayat passed in the year 2018-2019 at the time of institution of suit. However, relief of declaration in respect thereof was not claimed. It appears that Petitioner has already raised dispute regarding validity of those Resolutions before Competent Authority under the Maharashtra Village Panchayats Act. He shall be at liberty to prosecute said proceeding. Even otherwise, Civil Court would not be competent to deal with validity of Resolutions when a specific mechanism is provided under Village Panchayats Act. In this backdrop, no fault can be found in order impugned, particularly in light of proviso to Order 6 Rule 17 of the Code of Civil Procedure, which prohibits amendment after commencement of trial unless an explanation is given for delay in seeking amendment.

4. In present case, there is no explanation as to why Petitioner

did not seek declaration against Resolutions of Gram Panchayat before commencement of trial.

5. In that view of matter, Writ Petition sans merit, hence dismissed.

(S. G. CHAPALGAONKAR)
JUDGE