



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 15224 OF 2025

PANDIT MAHADU KEDAR AND ANOTHER
VERSUS
RAJENDRA DHUDKU KEDAR

...

Ms. R. L. Jakhade h/f Mr. S. A. Kulkarni, 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 08.09.2025 passed by 7th Jt. Civil Judge, Senior Division, Dhule, below Exhibit 197, in Regular Civil Suit No. 254 of 2011, thereby rejecting Petitioners' application for amendment in written statement.

2. The Petitioners are Defendants in Regular Civil Suit No. 254 of 2011. The suit has been instituted for relief of perpetual injunction. Later on, amended to include prayer for cancellation of mutation entry Nos. 923 and 994. The Petitioners/Defendants contested claim by filing written statement. After recording of evidence in suit, Petitioners/Defendants filed application under Order VI Rule 17 of the Code of Civil Procedure seeking amendment in written statement to insert pleading that mutation entry No. 1344 depicting

partition of suit property, is illegal and invalid. The Trial Court rejected Application, firstly because amendment was sought at belated stage, particularly after commencement of trial. Secondly, written statement filed in year 2011, was amended twice, in years 2014 and 2017. Plaintiffs and Defendants have already closed their evidence. The plaintiffs have tendered written notes of arguments. At this juncture, application for amendment has been filed. The Trial Court further observed that mutation entry No. 1344 was very well within the knowledge of Defendants, hence amendment could have been caused before commencement of trial.

3. A careful reading of Petitioners' application for amendment, and reasons recorded by Trial Court would depict that amendment in written statement was proposed at fag end of trial. There is nothing to demonstrate due diligence in terms of proviso to Order VI Rule 17 of Code of Civil Procedure. Even such an amendment would not be necessary for adjudication of dispute, as Defendants have already taken a plea in written statement denying a correctness of mutation entry No. 1344. As such, it is open for Defendants to put forth arguments in this regard and substantiate their contention that mutation entry does not confer any right in favour of plaintiffs. The proposed amendment would not be necessary for effective adjudication of dispute between parties.

4. In that view of matter, no case is made out to cause interference under Article 227 of the Constitution of India. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp