



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO. 1633 OF 2026

Bhaskar Waman Aarangale And Others

VERSUS

Nyahabai Alias Nanyabai Vitthal Aarangale Died Thr Lrs And
Others

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Advocate for Petitioners : Mr. A.S. Gandhi

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 12, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 6.9.2022 passed below Exhibit-22 in R.C.S. No.270 of 2018 pending before the learned Civil Judge J.D. Rahata, by which application filed by respondents/plaintiffs seeking amendment in the plaint has been allowed.

2. Respondents/plaintiffs instituted the suit simplicitor for injunction in respect of the suit property. Petitioners appeared in the suit, filed their written statement contending that the suit property is in their possession and they have transferred the suit property under registered sale-deed dated 14.12.2015 in favour of their wives.

3. In light of aforesaid pleadings, plaintiffs filed an application below Exhibit-22 seeking permission to amend the plaint and incorporate challenge to the sale-deed dated 14.12.2025 and seek declaration of their ownership. Trial Court allowed the said amendment vide impugned order dated 6.9.2022.

4. Mr. Gandhi, learned advocate appearing for petitioners raises two-fold objections to the impugned order. According to him, amendment would change very nature of the suit as relief of declaration has to be added in addition to relief of perpetual injunction as claimed in the suit. Secondly, sale deed dated 14.12.2025 is sought to be challenged. As such, issue of limitation would arise in respect of proposed claim of declaration.

5. Perusal of reasoning adopted by the trial court shows that so far as sale deed dated 14.12.2025, plaintiffs are specifically coming with a case that they got knowledge about aforesaid sale-deed only when defendants tendered written statement and made reference to the sale-deed in question. As such, plaintiffs asserts knowledge about sale-deed first time in the year 2019. So far as relief of declaration is concerned, it

would be governed by Article 58 of the Limitation Act. The three years limitation as prescribed would start from the date of knowledge. Prima facie, it does not appear to be a case of amendment as regards to time barred case. However, the issue of limitation can be framed and decided by the trial Court considering rival contentions.

6. It can be observed that plaintiffs are asserting their possession over suit property and, therefore, they sought relief of perpetual injunction in the plaint. In written statement, defendants raised challenge to plaintiffs title. Eventually, plaintiffs required to add relief of declaration of their title and challenge sale-deed in question. In that view of the matter, no fault can be found in the impugned order permitting amendment in the plaint. Needless to state that petitioners/defendants are entitled to put their defense in relation to amended pleadings and Trial Court is bound to frame the appropriate issues in light of defenses raised in the written statement. In result, writ petition stands **rejected**. No costs.

(S. G. CHAPALGAONKAR, J.)

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