

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

81 WRIT PETITION NO.2453 OF 2026

Shriganesh Alias Vinod Uttareshwar Warad

VERSUS

Vijaya Alias Annapurna Gururaj Thote And Others

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Advocate for Petitioner : Mr. C.D. Biradar h/f U.P. Giri

Advocate for Respondent-1 : Mr. K.C.Khanapure

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 09, 2026

PER COURT :-

1. This writ petition takes exception to the order dated 16.12.2025 passed by the learned Civil Judge Senior Division, Ahmedpur below Exhibit-80 in Special Civil Suit No.11 of 2019, whereby petitioner's applications seeking amendment in the written statement has been rejected.

2. Admittedly, Trial in the suit is commenced. Even, evidence of defendant is also recorded. At this stage, application is filed below Exhibit-80 seeking amendment in the written statement particularly to bring on record alleged collusion between plaintiff and defendant no.1. There is nothing on record to show that as to why aforesaid contention was not raised in the written statement or amendment was not

sought prior to commencement of trial. Petitioner/defendant no.2 after recording of his evidence seeks to amend written statement and incorporate new defense, which cannot be permitted in law. Trial court has rightly considered legal position governing the jurisdiction under Order VI Rule 17 of Civil Procedure Code and rejected application observing that there is non-compliance of due diligence as contemplated under proviso to Rule 17 Order VI of the CPC. In that view of the matter, this Court finds no reason to cause interference under Article 227 of Constitution of India. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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