



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4682 OF 2026

The Chief Officer Municipal Council Dharashiv

VERSUS

Prasad Rangnath Patil

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Mr. V. B. Deshmukh, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 28, 2026

PC:

1. The present Writ Petition takes exception to order dated 16.03.2026 passed below Exhibit 95 in RCS No. 161/2023 by learned Civil Judge, Junior Division, Dharashiv whereby Petitioner's application seeking amendment in written statement has been rejected.

2. The Petitioner is Defendant in RCS No. 161/2023. The suit is instituted for declaration that impugned notice issued by Respondent – Municipal Council is null and void and relief of perpetual injunction restraining Petitioner/Defendant from causing obstruction to construction work of Plaintiff over suit property is sought. The record indicates that on 29.07.2025, suit was posted for evidence of Plaintiff. Thereafter, Petitioner failed to lead evidence, hence, evidence close order was passed on 27.07.2025. The matter was then posted for final argument. At this stage, application was filed by Petitioner seeking permission to file written statement, which was allowed.

3. At this stage, without proceeding to cross-examine Plaintiff's witness, Petitioner filed application seeking permission to amend written statement. Perusal of proposed amendment shows that all facts which were within knowledge of Petitioner at time of filing of written statement are sought to be incorporated by way of amendment. There is no explanation as to why aforesaid aspects were not pleaded in written statement, which was filed after commencement of evidence in suit. The Trial Court has rightly observed that application is filed only with intention to prolong proceeding in suit, which is expedited by order of this Court.

4. In that view of matter, this Court finds no reason to entertain Writ Petition. In result, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

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