IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIRCUIT
BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 71 OF 2026

Maruti Dhondiba More
Since Deceased through Legal Heirs ……Petitioners
Vs.
Chandar Ramchandra Pawar & Ors. ……Respondents

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Mr. Vaibhav Gaikwad with Ms. Pratiksha Chaugule, Mr. Samrat Haszare and Mr. Suraj Bhosale, Advocate for Petitioner.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 5TH OCTOBER, 2026.

ORDER :

. Heard Mr. Vaibhav Gaikwad, learned advocate for Petitioners.

2. The Petitioners are taking exception to the order dated 09.10.2023 passed below Exhibit-183 in R.C.S. No. 44 of 2009.

3. Learned counsel for the Petitioners has vehemently canvassed the submission that the proposed amendment is necessary for deciding the controversy between the parties. It is necessary to avoid complications and multiplicity of proceedings.

4. It is further submitted that no prejudice would be caused if

permission to amend is granted. The reasons for seeking the amendment at the belated stage have also been disclosed in the application.

5. The Petitioners are the original plaintiffs who have filed R.C.S. No. 44 of 2009 for declaration in respect of the sale deed dated 28.11.2021 and injunction. A separate declaration is also solicited in respect of land Gut No. 33. The claim is contested by the respondents by filing their written statement. The issues were settled, and the parties have led evidence. When the matter was at the stage of final hearing of the suit, Application Exhibit-183 was submitted seeking amendment to the plaint. It was rejected by the impugned order.

6. The proposed amendment is in respect of the claim, suit properties, pleadings, and prayers. Admittedly, the Application has been preferred after commencement of the trial and at the verge of final disposal of the suit. It cannot be overlooked that the suit of 2009 is still awaiting adjudication. No convincing reasons are quoted in the Application to satisfy the test of due diligence. The entire nature of the proceedings is going to change if such amendment is allowed.

7. The Petitioners are soliciting the addition of the properties as well as the addition of prayers. They are seeking the relief of partition and possession. It is impermissible to entertain such type of amendments just under the garb of the submission that, to decide the controversy between the parties, the amendment is necessary. If it is allowed, the prejudice to the respondents is writ large.

8. I find that a reasonable view has been taken by the Court in rejecting the Application. No interference is called for. The Writ Petition is **dismissed.**

[SHAILESH P. BRAHME J.]

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