

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13128 OF 2025

Janaki Shivaji Kokare After Marriage Name,
Pallavi Harish Kolekar

...Petitioner

Versus

Surajkhan Babasaheb Rohite And Ors.

...Respondents

.....

Adv. Sandeep Koregave, Advocate for Petitioner.

.....

CORAM : PRAVIN S. PATIL, J.

DATE : 23rd APRIL, 2026.

P.C. :

1. Heard.

2. In the present petition, challenge is to the order dated 24th June, 2025 and the order passed on Review Application dated 6th August, 2025 in Special Civil Suit No. 89 of 2011 passed by the Trial Court.

3. In a suit for specific performance of contract, the original Plaintiff moved an application for amendment of the pleadings in view of subsequent developments during the pendency of the suit. By application dated 4th March, 2025, the Plaintiff sought to amend the description of the suit property, which had been converted from Gut No. 459 to Gut Nos. 459/1 and 459/2.

4. The contention of the petitioner is that the amendment which is sought by the present petitioner is contrary to the original agreement on which the specific performance is sought by the petitioner. It is submitted that allowing application amount to alteration of the description of the property recorded in the agreement which is not permissible in law and, therefore, impugned order allowing amendment needs to be quash and set aside.

5. Perusal of impugned order dated 24th June 2025 passed by the learned Trial Court, while considering the matter, recorded cogent reasons by observing that there was a subsequent change in the description of the property during the pendency of the suit and no prejudice would be caused to the Petitioner, who was aware of the said change. And accordingly allowed the application.

6. The Petitioner who was not satisfied with the order of learned Trial Court dated 24th June 2025 sought review before the Trial Court. The Trial Court, by order dated 6th August, 2025, again reconsidered the entire issue as well as the submissions advanced by the Petitioner.

7. The perusal of the impugned order dated 6th August 2025, clearly demonstrate that the learned Trial Court has taken into consideration the entire provisions of law and the relevant case laws which were pointed out by the parties before him. The learned Trial Court again reiterated that such challenge in the description of the property which is

subsequent of filing of the suit, can always be allowed to amend so that the suit shall be decided in a right manner and would avoid multiplicity of proceeding.

8. In the light of the observation of the Trial Court, I do not find any *prima facie* illegality committed by the Trial Court while allowing the amendment application in the matter.

9. The petitioner is always at liberty to challenge this grievance in appeal, if final Judgment goes against him in the matter.

10. In view of this, I find no merit in the present petition, and accordingly, the same stands disposed of.

11. No order as to costs.

[PRAVIN S. PATIL, J.]