

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 733 OF 2026

Sudhir Surgonda Patil through Lrs Sunita Sudhir Patil and
others ... Petitioners

Versus

Surgonda Balgonda Patil and others ... Respondents

Mr. Tejpal Ingale a/w Mr. Aditya Patil a/w Mr. Sourabh Patil, for Petitioners.

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CORAM : M. M. SATHAYE, J.
DATE : 24th February 2026.

P C. :

1. At the outset, learned counsel for the Petitioners seeks leave to annex documents to the Petition with running pagination. Leave granted.
2. Heard learned counsel for the Petitioners.
3. The Petitioners are Plaintiffs who has filed amendment application below Exh.138 in the concerned suit seeking amendment in the date of registered Gift Deed and for addition of 'new survey number' in the description of the suit property.
4. Learned counsel for the Petitioners pointed out from the written statement as well as cross-examination of the Petitioners' witness that no specific contention about wrong date of Gift Deed is raised by the Defendants. He further contended that nature of amendment is only technical and will not change nature of the suit.

5. Admittedly, Application was filed after evidence has started. By the impugned order, application is rejected. One of the reason is that Petitioners have failed to satisfy due diligence.

6. Perusal of the written statement filed by Defendant Nos.3 and 4 indicates that even according to them, Gift Deed is registered in 2007. On reading proposed amendment as well as the written statement and cross-examination, *prima facie*, amendment is not substantial in nature and is only for the purpose of giving better particulars of the suit property and correcting date of Gift Deed referred in the plaint.

7. In that view of the matter, issue notice of final disposal to the Respondents returnable on 24.03.2026. In addition to the court notice, private notice is permitted.

8. Learned counsel for the Petitioners state on instructions, that the suit is kept tomorrow for final arguments.

9. The learned Trial Judge is directed to defer the hearing of the concerned suit beyond 4 weeks.

[M. M. SATHAYE, J.]