

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15368 OF 2025

Santosh Somnath Latnekar And Anr ...Petitioners

Versus

Pratidnya Sanjay Nashte And Ors ...Respondents

Mr. Vivek Salunke, a/w Manthan Chaudhari, for the
Petitioners.

Mr. Digvijay Kachare, i/b Rati Sinhasane, for the Respondents.

SANTOSH
SUBHASH
KULKARNI

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CORAM: N. J. JAMADAR, J.

DATED: 9th FEBRUARY, 2026

PC:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 3rd September, 2025 passed by the learned Civil Judge, Pune, whereby an application to amend the plaint so as to primarily correct the description in the suit property, has been allowed.
3. The learned Counsel for the petitioners submitted that since the issues have been settled, the trial Court could not have allowed the application for amendment for want of due diligence.
4. I find it difficult to accede to the submission of Mr. Salunke, the learned Counsel for the petitioners. The learned

Civil Judge has, in terms, recorded that the trial has not commenced and, resultantly, the interdict contained in the proviso to Order VI Rule 17 of the Code of Civil Procedure does not come into play. In any event, the proposed amendment is necessary for the determination of all the questions in controversy between the parties and does not have potentiality to cause prejudice to the defendant.

5. The petition, therefore, does not deserve to be entertained.
6. The petitioners – defendants are, however, granted one months time to file an additional written statement to the amended plaint.
7. The petition stands disposed.

[N. J. JAMADAR, J.]