



2098-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2098 OF 2025

(Hemant Vasantrya Kotnake & Anr. Vs. Jagannath Baliram Patil)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Anurag Mankar, Counsel for the petitioners.

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CORAM : ANIL L. PANSARE, J.
APRIL 17, 2025

Challenge is to order dated 18/1/2025 passed below Exh. 74 by the Civil Judge Senior Division, Yavatmal, in Regular Civil Suit No. 38/2021, thereby rejecting the application filed by petitioner no.1 – original defendant no.1 seeking amendment. The application has been rejected for failure of petitioner no.1 to disclose sufficient cause for not filing such application before commencement of trial.

2] It appears that the evidence of the respondent – plaintiff is completed. The suit is fixed for evidence of the defendants. The proposed amendment deals with acquisition of part of property under question and the measurement carried out by the office of land records in the year 2010.

3] The trial Court was of the view that this amendment could have been made even before commencement of trial.

4] The learned Counsel for the petitioners submits that averments to that effect were inadvertently not made.

5] Thus, it is to be examined whether there is indeed inadvertence or the word 'inadvertence' is utilized just for the sake of convenience.

6] Issue notice to the respondent returnable in four weeks. Notice on interim relief also.

7] The petitioners shall, however, deposit an amount of Rs.25,000/- with the Registry of this Court within two weeks from today failing which the petition shall stand dismissed for non-compliance of order without further reference to the Court.

(ANIL L. PANSARE, J.)

Sumit