



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

WRIT PETITION NO.6204 OF 2025

AMRUT S/O BALIRAM LUTE AND ANOTHER
VERSUS
NATHU S/O BALIRAM LUTE AND ANOTHER

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. A.D. Dangore, Advocate for Petitioners.
Mr. U.K. Bisen, Advocate for Respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 06th MAY 2026

1. Heard learned Advocate for the petitioners as well as learned Advocate for the respondents.

2. The petitioners have challenged an order dated 08.08.2025, at Exhibit 71, passed by Civil Judge Junior Division, Kuhi, Dist. Nagpur, in R.C.S. No.185 of 1989, rejecting the application for amendment of written statement, by which the defendants had proposed to add certain averments with respect to the right of Shobhabai Shelokar, who is arrayed as a party defendant No.5 in the suit.

3. Although the challenge in the instant petition is to the order passed by the trial court on the amendment application, learned Advocate for the petitioners submits that defendant No.5 Shobhabai Shelokar is entitled to assert her right in view of the documents received by the petitioners revealing her status as member of the

family on the basis of which she could claim her independent right. He states that the defendants have concern for this right.

4. As regards the challenge to the impugned order, by which the application for amendment is rejected, when the Court expressed disinclination, learned Advocate for the petitioners seek permission to withdraw the instant petition.

5. The petitioners are granted permitted to withdraw the instant petition.

6. It is clarified that in case defendant No.5 Shobhabai Shelokar has got independent right to claim share, she would be entitled to assert her right.

7. In view of the above, the writ petition is disposed of as withdrawn.

(PRAFULLA S. KHUBALKAR, J.)

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