



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

WRIT PETITION NO. 33 OF 2026

Sudhakar S/o. Raghunath Potdukhe Vs. Chandu Vithoba Zade

WITH

WRIT PETITION NO. 34 OF 2026

Sudhakar S/o. Raghunath Potdukhe Vs. Suresh S/o. Wasudeo Kandkattiwar

AND

WRIT PETITION NO. 6662 OF 2025

Sudhakar S/o. Raghunath Potdukhe Vs. Gosai S/o. Bhima Kashyenwar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Chandekar, Advocate for petitioner.

CORAM :- M. W. CHANDWANI, J.

DATED :- 05.01.2026

Writ Petition No. 6662/2025 is not on board
and taken on board.

2. The petitions challenge the orders of the Trial
Court dated 11.07.2025, thereby allowing the amendment
in written statement of the respondent.

3. The contention is that, the earlier suit filed by
the petitioner came to be dismissed which was carried up
to this Court in Second Appeal. In the Second Appeal, the
matter was remanded by this Court to the First Appellate
Court. Thereafter, the First Appellate Court remanded the
matter to the Trial Court for appointment of Court
Commissioner. Further contention is that, the respondent

filed an application under Order 6, Rule 17 of the Code of Civil Procedure for permission to amend the written statement, which came to be allowed by the impugned orders.

4. Needless to mention that, the defendant can take multiple defences in the suit. The only anxiety of the learned counsel for the petitioner is that in the earlier round of litigation, no such amendment came to be allowed. No doubt, the petitioner will get a chance to deal with this amendment. If the petitioner proves before the Trial Court that the amendment is an afterthought, the Trial Court will definitely consider this aspect and also the merits of the case during final hearing. Therefore, I do not find any illegality in the impugned orders and no interference is required in the orders of the Trial Court granting amendment in the written statement.

5. Considering the fact that the matter had already reached this Court in the earlier round of litigation and this is the second round of litigation, I feel it appropriate to direct the Trial Court to see that the matter should be decided as expeditiously as possible and preferably within one year from today.

6. The petitions are disposed of in the above-said terms. No costs.

(M. W. CHANDWANI, J.)