



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

Writ Petition No.6676/2025
Sureshchandra V Rajkumar and others

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

Court's or Judge's orders

Mr. S. Singh, Advocate for petitioner.
 Mr. A.M. Chandekar, Advocate for resp. no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 13-01-2026.

Heard learned Counsel for the petitioner.

2. By this petition, the petitioner challenges the order dated 30-01-2025 passed by the appellate Court, rejecting the application for amendment of the plaint at the appellate stage.

3. The petitioner had filed an appeal bearing R.C.A. No.28/2016 challenging the judgment and decree passed in Regular Civil Suit No.16/2013 which was a suit for declaration, partition and separate possession with respect to the properties owned by the petitioner's family. The appeal is pending and it is submitted that during the pendency of the appeal a portion of the suit land has been acquired by Vidarbha Irrigation Development Department, Nagpur and therefore the appellant filed application for amendment to incorporate relief about share of the appellant in the portion of the amount of compensation.

4. The appellate Court has rejected the application by observing categorically that the dispute regarding apportionment of compensation can be decided as per Section 30 of the Land Acquisition Act and therefore at this stage when the appeal is pending and the amount is not disbursed to any of the parties, in view of the pending civil dispute there

was no necessity to allow the amendment application. Perusal of the impugned order shows that the appellate Court has given due consideration to all the relevant factual and legal aspects. It is clear that the petitioner is entitled to raise claim about his share in the amount of compensation as and when situation arises. As such, I do not find any perversity with the impugned order. Writ petition is dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)