



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

WRIT PETITION NO. 2664 OF 2026

Jitendra Gopalbhai Raja
Vs.

Takhatmal Shrivallabha Charitable Trust, Amravati and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.M. Vaishnav, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 01.04.2026

Heard learned counsel for the petitioner.

2. By this petition, the petitioner has challenged order dated 23.02.2026 passed by the appellate Court, rejecting an application for amendment of the memorandum of appeal, by which the appellant/original defendant had proposed to add one ground in support of his appeal.

3. The petitioner is the original defendant against whom a decree of eviction is passed by the trial Court, which is challenged by way of an appeal bearing RCA No.135/2015. During the pendency of the appeal, an application for amendment is filed seeking to add details about the status/category of the suit property being

situated on Nazul land and falling under the Municipal Corporation, Amravati.

4. Learned counsel for the petitioner submits that, by the proposed amendment, the defendant only wanted to place on record the factual position about the status of the property, which would affect the right of the respondents/landlord to seek eviction of the petitioner.

5. This application for amendment came to be rejected by the appellate Court by observing that the stand sought to be taken by way of proposed amendment was not taken during the pendency of the suit and further that the proposed amendment in the nature of raising a challenge to the ownership of the respondent trust is not maintainable. The appellate Court has also observed that the proposed amendment, if allowed, would change the nature of the suit and on these grounds, rejected the amendment application.

6. A perusal of the application for amendment (Exhibit 11) shows that the appellant/defendant wants to contend that the respondent (decree holder) is not the owner of the land in question and the said land is Nazul and comes under Amravati Municipal Corporation. Pertinent to note, this is a new stand which the appellant is attempting to introduce only at appellate stage.

7. Further a perusal of the impugned order shows that the appellate Court has given due consideration to the relevant aspects and having found that the proposed amendment was not filed at the relevant stage during pendency of the suit, has rejected it.

8. Further it has to be noted that a perusal of the application for amendment does not at all show any exercise of due diligence by the petitioners/defendants and therefore, in view of proviso to Order VI Rule 17 of the Code of Civil Procedure, the amendment application deserves to be rejected.

9. On consideration of the contentions canvassed on behalf of the petitioner and after perusal of the impugned order, I find that the reasons recorded by the appellate Court are not at all perverse, warranting any interference under Article 227 of the Constitution of India.

10. Writ petition is accordingly dismissed.

(Prafulla S. Khubalkar, J.)