

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6157 OF 2012

Rajendra s/o Bhavarlalji Saklecha
and others

Petitioners

Versus

Punjaram s/o Ambadas Pakhare
and others

Respondents

Mr.B.R.Waramaa, advocate for petitioners.

CORAM : R.M.BORDE, J.
DATE : 31st July, 2012.

PER COURT:

1 Petitioners – original defendants are raising exception to the order dated 28.06.2012, passed by 2nd Joint Civil Judge, Junior Division, Jalna, below Exhibit-63 in Special Civil Suit No. 140/2010, allowing the application presented by plaintiff seeking amendment to the plaint, subject to payment of costs of Rs.1000/-.

2 By way of proposed amendment, plaintiff wants to correct the date in respect of execution of sale deed and certain other minor details. The consequential change relates to the date of accrual of cause of action.

3 Petitioners – original defendants object to the change contending that since there is no accrual of cause of action as per the statement made by the plaintiff in the plaint tendered at inception, right is accrued to the defendants to seek remedy of applying for rejection of the plaint. By way of proposed amendment, defendants are seriously prejudiced.

4 I have perused the application as well as impugned order passed by the trial Court. The amendment sought is at the initial stage of the proceedings and is of a trivial nature. The trial Court was justified in allowing the amendment subject to payment of costs. In exercise of extraordinary jurisdiction conferred under Article 227 of the Constitution of India, no interference is called for. Petition is devoid of substance.

5 Writ Petition stands rejected.

R.M.BORDE
JUDGE

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