

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5145 OF 2014

Dr. Bharat Jagannath Gaikwad

.. Petitioner

Versus

Sou. Shabira Tamijoddin Tamboli and others

.. Respondents

Mr. A. M. Kulkarni, Advocate for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 05th JANUARY, 2015

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 21.01.2014 passed by the learned Joint Civil Judge, Senior Division, Barshi by which order the application Exh.47 for amendment of the plaint so as to claim recovery of the amount paid by way of taxes by the Plaintiffs from the Defendant came to be rejected. The rejection is on the ground that the event which is sought to be incorporated has taken place in the year 2008. The suit is of the year 2007 and the instant application was filed on 10th December, 2013. The Plaintiff has already led his evidence and it is thereafter that the instant application has been filed. The Trial Court has rejected the said application by observing that there is no explanation as to why the application was not moved earlier. Though the event which is sought to be brought on record is pertaining to the year

2008 which is after the suit was filed in the year 2007. The instant application Exh.47 was filed on 10.12.2013 that to after the plaintiff has filed his affidavit of evidence. Hence, no fault can be found with the order passed by the Trial Court rejecting the application Exh.47. No case for interference is therefore made out. The Writ Petition is accordingly, dismissed.

[R.M. SAVANT, J]