

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

WRIT PETITION NO.9626 OF 2015

Kiran Ramchandra Mangrule

.. Petitioner

Versus

Kishore Ramchandra Mangrule

(Since deceased through his legal heirs)

Smt. Premlata Kishore Mangrule and others

.. Respondents

Mr. N. N. Wadikar i/by Mr. N. V. Pawar, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 1st OCTOBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 23.07.2015 passed by the Learned Joint Civil Judge Senior Division, Satara, by which order the application Exh.162 for amendment of the Written Statement came to be allowed albeit on the imposition of costs of Rs.2000/-. The suit being Special Civil Suit No.113 of 2003 has been filed for partition of the suit properties. It seems that the suit was at the stage when the Plaintiff has filed his affidavit of evidence and has also filed documents in support of his case. The same was done in the year 2003 and certain documents relating to the Mhaswad property were filed by the Plaintiff. It is taking into consideration the filing of the said

documents by the Plaintiff that the Defendants i.e. Respondent Nos.1A to 1C filed the instant application for amendment to the Written Statement which was filed by the original Defendant No.1. The Trial Court considered the said application and has allowed the same by the impugned order dated 23.07.2015. The Trial Court adverted to the fact that the Plaintiff in the year 2013 has placed certain documents on record at the time of filing of the affidavit of evidence and it is in the context of the said documents that the Defendant Nos.1A to 1C have moved an application for amendment of the Written Statement. The Trial Court was of the view that the amendment sought was clarificatory in nature and was therefore required to be allowed. In my view, having regard to the reasons mentioned by the Trial Court in the impugned order gist of which has been mentioned herein above. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.