

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.274 OF 2015**

William Francis Fudtard & Ors.

..Petitioners

Vs.

Anton Barnad Gomes & Ors.

..Respondents

Mr. Anil D'souza for the Petitioners

CORAM : R. M. SAVANT, J.

DATE : 19th JANUARY, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 28-10-2014 passed by the Learned Civil Judge Junior Division, Vasai, by which order the application filed by the Petitioner seeking amendment if the plaint came to be rejected. It is required to be noted that the amendment application was moved after the final arguments in the Suit have commenced and therefore the Trial Court has observed that it is probably believing that they would not succeed in the Suit that the instant application has been filed by the Plaintiffs and the same has been filed merely to protract the litigation.

2 In my view, considering the stage at which the Suit is at present and considering the facts that are now sought to be pleaded according to the Trial Court were not such, which were not known to the Plaintiffs. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]