

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1897 OF 2014

Digambar Kondiba Barge.] ... Petitioner/
(Orig. Plaintiff)

Versus

Kondiba Ramchandra Barge]
(Since Deceased) By L.R.s and Others.] ... Respondents/
(Orig. Defendants)

Mr. P. J. Shinde for Petitioner.
Mr. Dilip Bodake for Respondent No.3.

CORAM :- M. S. SONAK, J.
DATE :- MARCH 17, 2015

P. C. :-

1. This petition is directed against the Order dated 25/11/2013 made by the District Judge-1, Satara, rejecting the Petitioner's application for amendment of the plaint, at the stage when appeal against Judgment and Decree dated 06/10/2008 was pending before the said District Judge.

2. Admittedly, the amendment proposed was not in respect of any subsequent event. It was the case of the Petitioner that due to oversight of his Advocate, some important facts could not be explained in the plaint and therefore interest of justice would require

that the plaint is amended. If the text of the proposed amendment is perused, then same is in relation to the marriage of Kondiba and Tanubai.

3. The suit in the present case was instituted in the year 1989. The Respondents i.e. the original Defendants, had not only denied the factum of marriage between Kondiba and Tanubai but had further applied for better particulars in that regard. In the light of such circumstances, the District Judge has rightly declined leave to amend the plaint at the stage when appeal against the Judgment and Decree made on 06/10/2008 was pending before it. There is no jurisdictional error or perversity involved.

4. This petition is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)