

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3130 OF 2015

Haresh Dhanjibhai Mandalia.] ... Petitioner

Versus

Lakhamshi K. Chheda and Ors.] ... Respondents

Mr. Vishal Kanade i/b Mr. H. J. Lulia for Petitioner.

CORAM :- M. S. SONAK, J.

DATE :- MARCH 25, 2015

P. C. :-

1. This petition questions the Order dated 02/02/2015 by which the City Civil Court has declined the Petitioner-Plaintiff leave to amend the plaint.

2. Admittedly, the evidence in the suit is completed and the matter was fixed for final arguments at the stage when leave to amend was applied for. The text of the proposed amendment makes reference to matter, which were well within the knowledge of the Petitioner, even at the stage of filing of the suit or in any case, before the trial in the suit commenced. Besides, it does not appear that the proposed amendments are necessary for adjudicating the real controversy which arises in the suit.

3. For the aforesaid reasons, there is no jurisdictional error or perversity in the making of the impugned order. This petition is therefore dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)