

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5827 OF 2015

Canara Bank	..	Petitioner
VS.		
Mrs. Shobha S. Kini & Ors.	..	Respondents

Mr. S. Bhawe with Komal Shah i/b. Bhawe & Co. for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] **Not on board. Upon production, taken on board.**

2] This petition challenges order dated 17 April 2015, by which the learned Small Causes Court has permitted the respondent – plaintiff to amend the plaint.

3] Admittedly, the amendment application was filed and has been allowed prior to the commencement of the trial. The amendment, as observed by the trial Court, relates to events which have taken place during the pendency of the suit. Accordingly, it cannot be said that there is any jurisdictional error warranting interference.

4] The learned counsel for the petitioner submitted that such amendment ought not to have been allowed in view of several judicial pronouncements in this matter itself, in terms of which the respondent – plaintiff and her husband were ordered to be evicted from the suit premises. At this stage, it is not possible to accept this contention. In fact at this stage, it is not necessary to go into the merits or demerits of the case set out in the amendment application. Further, the trial Court has itself awarded costs of Rs.10,000/- in favour of the petitioner as a pre-condition to the carrying out of the amendment.

5] In view of the aforesaid, there is no reason to interfere with the impugned order. This petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)