

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

WRIT PETITION NO. 7179 OF 2014

M/s.Beauty Parlour

... Petitioner

v/s

Eastern International Hotels

... Respondent

Mr.D.A. Joseph i/by David Associates for the petitioner.

Mr.P. S. Dani, senior advocate i/by Pawankumar Prasad for the respondent.

CORAM: SHRI NITIN M. JAMDAR, J.

DATED : 23RD MARCH, 2015

PC.:

Heard learned counsel for the parties.

2. By this writ petition, the petitioner challenges the order passed by the Small Causes Court, Mumbai, dated 23 June 2014, rejecting the application for amendment of the written statement filed by the petitioner.

3. By the impugned order dated 23 June 2014, the learned Judge has rejected the application filed by the petitioner primarily on the ground that no adequate particulars, as regard the due diligence, and as to why the application could not be moved at

earlier stage, were not given by the petitioner.

4. In view of the decision of the Apex Court in the case of ***Vidyabai & ors. v/s Padmalatha & anr.***, reported in ***(2009) 2 SCC 409***, this view cannot be faulted with. However, if the petitioner makes an application giving particulars as regard why the petitioner could not make the application earlier in spite of the due diligence, it will be decided on its' on merits.

5. In view of this position, no further orders are required to be passed in this petition.

6. The petition is accordingly disposed of.

7. The learned counsel for the petitioner states that the said application will be made within a period of two weeks from today.

(NITIN M. JAMDAR, J.)