

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1463 OF 2015**

Rajendra Prasad Vishwakarma

..Petitioner

Vs.

Vijendra Prasad Vishwakarma

..Respondent

Mr. D.G.Rodrigues i/b Mr. Deepak Pandey for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 13th MARCH, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 25-3-2014 passed by the Learned Judge of the City Civil Court, Mumbai, by which order, Chamber Summons No.994 of 2014 filed by the Plaintiff for amendment of the Plaint so as to incorporate the word “proposed” before the words “suit premises” wherever it appears in the plaint, came to be allowed.

2 The dispute in the Suit in question is in respect of a right over a premises which are likely to be allotted to the Defendants in view of the old premises in an area which has been notified as slum. It appears that a slum redevelopment scheme has been implemented wherein a premises are likely to be proposed to be allotted in lieu of the old premises. It is in the said context that the amendment to the plaint was sought to incorporate the words “proposed” to be prefixed to the words “suit premises”.

3 The Trial Court having regard to the nature of the Suit and considering the fact that the amendment is sought is at the pretrial stage, deemed it appropriate to allow the said application.

4 In my view, having regard to the well settled principles applicable to the amendment sought at the pretrial stage, the order passed by the Trial Court allowing the Chamber Summons in question cannot be found fault with. Hence no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]