

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

WRIT PETITION NO. 8832 OF 2011

Smt.Sunita Ananda Mahadik

... Petitioner

v/s

Shri Surendra Pandurang Sankpal
(deceased) by heir Smt. Sujata
@ Nailini Surendra Sankpal

... Respondent

Mr.N.J. Patil for the petitioner.

None present for the respondent.

CORAM: NITIN M. JAMDAR, J.

DATED : 23RD MARCH, 2015

P.C.:

Heard learned counsel for the petitioner.

2. By this petition, the petitioner challenges the order passed by the Joint Civil Judge, Jr. Divn., Kolhapur, dated 19 July 2011 rejecting the application filed by the petitioner for amendment of the plaint.

3. The petitioner has filed a suit seeking direction against the respondent landlord to carry out certain repairs of the premises and for injunction against the respondent. In the suit, the petitioner

made an application for amendment of the plaint. The petitioner sought to include Kolhapur Municipal Corporation as a party respondent and sought certain other amendments.

4. By the impugned order, the learned Judge partly allowed the application and refused the prayer of the petitioner to join the Kolhapur Municipal Corporation as a party respondent.

5. Considering the prayers made in the suit, which are entirely against the respondent landlord, the view taken by the learned Judge that the Corporation is not necessary to be joined, cannot be faulted. Further more, the petition is pending for admission since 2011. There is no stay to the proceedings before the learned Judge, and the suit as on today has substantially proceeded.

6. Considering this position, no interference is warranted in writ jurisdiction. The writ petition is accordingly rejected.

(*NITIN M. JAMDAR, J.*)