

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

WRIT PETITION NO. 8972 OF 2014

Sikandar Akbarsab Mujawar

..Petitioner

Vs.

Abdul Shukur Abdul Gani Jamdar

..Respondent

....

Mr. R.S. Alange, Advocate for Petitioner.

Mr. A.B. Tajane, Advocate for Respondent.

....

CORAM : N.M. JAMDAR, J.

DATED : 20 APRIL 2015

P.C.:

By this petition, the petitioner challenges the order dated 18 August 2014 passed by the District Judge, Solapur rejecting the application filed by the petitioner for amendment of the appeal memo.

2. The petitioner had sought amendment to place on record documents and to take up contention that the respondent had acquired additional property and therefore his need does not survive. It is not necessary to interfere with the impugned order, as, though the learned Judge has rejected the application for amendment of the appeal memo, has permitted the petitioner to place the document on record by a separate order of the same date.

The learned Judge has also kept the arguments open for the petitioner based on his document. Therefore in view of this position, the fact that there is no ground in appeal memo which will come in the way of the petitioner as liberty to argue the point is already given by the learned Judge in the impugned order. The contention raised by the learned Counsel for the respondent that the application is made by the petitioner, who is an advocate, only to prolong the hearing of the appeal, appears to be justified.

3. There is no merit in this writ petition. The writ petition is rejected. This would be case for imposing of costs, however since the the learned District Judge has already directed payment of costs, I refrain from imposing additional costs.

(N.M. JAMDAR, J.)