

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

WRIT PETITION NO.9474 OF 2015

Thomas Mathew : Petitioner
versus
Smt. Rajashree V Karkhanis and ors. : Respondents.

Mr. E A Sasi for the Petitioner.
Mr. V V Pai for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 30th September 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 01/08/2015 passed by the learned Joint Civil Judge, Senior Division, Thane by which order the application for amendments of the plaint came to be rejected.

2 The suit in question is filed in the year 2009 and the amendment application has been moved in January 2015. One part of the amendments sought is based on the information provided by one Kuldeepsingh Mundhe, and the second amendment sought is to challenge the agreement dated 25/11/1993 as also the deed of declaration dated 10/02/2010.

3 In so far as the agreement dated 25/11/1993 is concerned, the Petitioner/Plaintiff could have very well challenged the same when the suit

was originally filed. In so far as the declaration deed dated 10/02/2010 is concerned, the Petitioner/Plaintiff had earlier moved an application for amendment for the plaint, pertinently the amendment relating to incorporating the challenge to the declaration deed dated 10/02/2010 was not sought. In so far as the amendment based on the information given by the said Kuldeepsingh Mundhe is concerned, the Trial Court has rejected the same on the ground that the amendment could not be allowed based on a fact which is directly not known to the Plaintiff. The Trial Court has also observed that the Plaintiff has not filed the affidavit of the said Kuldeepsingh Mundhe. The Trial Court has lastly observed that the suit is awaiting evidence to be led on behalf of the Plaintiff since the year 2010.

4 In my view, having regard to the reasons which have been mentioned in the impugned order, the gist of which has been mentioned herein above, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, the hearing of the suit in question being Special Civil Suit No.63 of 2009 is expedited.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.