

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

WRIT PETITION NO.9300 OF 2015

Bhalchandra Maruti Naik : Petitioner
versus
Kishor Madhukar Deshmukh : Respondent.

Mr. R M More for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 23rd September 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 18/08/2015 passed by the learned Civil Judge, Junior Division, Pen by which order the Application (Exhibit 75) filed by the Petitioner – original Defendant for amendment of the written statement came to be rejected.

2 The Petitioner herein i.e. the original Defendant has filed his written statement on 20/03/2012. Issues in the suit in question were framed on 19/03/2013 and the Plaintiff closed his evidence thereafter. The instant application has been moved for amendment of the written statement having regard to the evidence which has come on record on behalf of the Plaintiff.

3 The Trial Court rejected the said application on the ground that the same has been moved after 3 years and 4 months of filing of the written statement and that too after commencement of trial. The Trial Court has

further observed that the Defendant has failed to satisfy the due diligence test in the matter of demonstrating as to why the matter could not be raised before commencement of trial.

4 In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]

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