

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10905 OF 2015

Mahendra Murji Dedhia.] ... Petitioner

Versus

Miss Indira Vasantji Galal.] ... Respondent

Mr. Jeetandra Banawat a/w Mr. Dharmesh S. Jain for Petitioner.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 30, 2015

P. C. :-

1. Not on board. Upon production, taken on board.

2. The challenge in this petition is to the order dated 05/10/2015 by which the respondent has been permitted to amend the plaint subject to payment of costs of Rs.1,000/-.

2. The learned Counsel for petitioner points out that whatever the respondent wishes to state by way of amendment, is already contained in the original plaint and further that no amendment can be permitted only for the purposes of amplification of such pleading. The learned Counsel for petitioner also points out that issues in this case have already been framed and therefore proviso to Order 6 Rule 17 of CPC is attracted.

3. It is not possible to accept the contentions of the learned Counsel for petitioner. Perusal of the proposed amendment would indicate that though the ground with regard to additions and alterations may have been taken in the plaint, by the proposed amendment, the respondent seeks to set out details of such additions and alterations. This is certainly permissible and therefore, the leave to amend was rightly granted by the Trial Court. In this case, although the issues are framed, the actual trial is yet to commence. Therefore, there is no question of applicability of proviso to Order 6 Rule 17 of CPC. There is no jurisdictional error in the making of the impugned order.

4. There is no reason to entertain this petition. The petition is therefore dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)