

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.31360 OF 2014**

Kailash Bhagaji Hole & Anr.

..Petitioners

Vs.

Paresh Jagannath Hole & Ors.

..Respondents

Mr. V. B. Tapkir for the Petitioners

CORAM : R. M. SAVANT, J.

DATE : 14th JANUARY, 2015

P.C.

1 The order dated 15-11-2014 passed by the Learned Civil Judge Senior Division, Khed, rejecting the application for amendment of the Written Statement filed by the Defendant Nos.2 and 3 is taken exception to by way of the above Petition. The Trial Court whilst rejecting the application in paragraph 22 of the impugned order has observed that though allowing the amendment would not change the nature of the defence, however, since the said amendments are in the nature of clarification, the same can be proved by the Defendant Nos.2 and 3 by adducing evidence and producing the documents. A perusal of the amendments sought reveal that the same relate to the orders passed by the governmental authorities and the Trial Court was therefore right in observing that the Defendant Nos.2 and 3 and produced evidence by way of orders in that regard.

2 It is also required to be noted that the Suit is at the stage where

the evidence of the Plaintiff is over and the Plaintiff has filed an evidence close pursis. Hence having regard to the stage at which the Suit is at present as also having regard to the observations made by the Trial Court in paragraph 22 of its impugned order. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

3 However, it is clarified that it would be for the Defendant Nos.2 and 3 to follow the course of action as directed by the Trial Court in paragraph 22 of the impugned order.

[R.M.SAVANT, J]