

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

WRIT PETITION NO.11304 OF 2014

Ramsingh Kohali Rajput : Petitioner
versus
Mrs. Shanta Nivruti Mate and anr. : Respondents.

Mr. Mohan B Jadhav for the Petitioner.
Mr. Sachindra B Shetye for the Respondent Nos.1 and 2.

CORAM : R. M. SAVANT, J.
DATE : 02nd March 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 1/11/2014 passed by the 6th Joint Civil Judge, Junior Division, Pune by which order the Application Exhibit 56 for amendment of the plaint came to be rejected.

2 The suit in question being Regular Civil Suit No.891 of 2013 has been filed by the Petitioner/Plaintiff for specific performance of the contract against the Defendants. A perusal of the amendments sought would indicate that the Plaintiff in fact wants to plead evidence by way of amendments sought which are exhaustive and running into 10 paragraphs. The issues have been framed in the suit on 24/4/2014 and it is thereafter that instant Application (Exhibit 56) came to be filed by the Plaintiff on 20/8/2014. The Plaintiff seeks to rely upon some prior civil and revenue proceedings as also wants to

incorporate the averments relating to the events which have transpired subsequent to the filing of the suit in the matter of the Defendants allegedly accepting the consideration. It seems in the suit one of the Issues framed is as regards readiness and willingness of the Plaintiff. Hence the Plaintiff would undoubtedly be entitled to bring such evidence on record which furthers his case of readiness and willingness. In so far as the civil and revenue proceedings are concerned, the Plaintiff would undoubtedly be entitled to bring the certified copies of the relevant orders and place them on record and it is not necessary that the Plaintiff be permitted to amend the plaint so as to place the averments in respect of the same on record.

3 In my view, therefore, the impugned order does not warrant any interdiction at the hands of this Court in its writ jurisdiction. Subject to the observations made herein above, the above Writ Petition is dismissed.

[R.M.SAVANT, J]