

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

WRIT PETITION NO.199 OF 2015

Yogesh Pranjivan Bosmiya & Ors.

...Petitioners

vs.

Mira Bhayander Municipal Corporation

...Respondent

Mr. Sandeep Mishra for the Petitioners.

Mr. M. S. Lagu for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 23RD FEBRUARY, 2015.

PC. :-

The order dated 26th November, 2014 passed by the learned 6th Joint Civil Judge, Senior Division, Thane, rejecting the application for amendment of the plaint is taken exception to, by way of the above Petition. The Petitioners are the original Plaintiffs who had filed the Suit in question being Special Civil Suit No.617/2013 on the basis of an apprehension on account of the alleged threat given by the officers of the Respondent No.1 Corporation. During the pendency of the Suit, the Corporation issued a notice under section 260 of the Maharashtra Municipal Corporations Act and also passed an order under section 260(2) of the said Act asking the Plaintiff to remove the unauthorized construction. The Plaintiff on account of the said developments, sought to amend the plaint so as to incorporate the said facts. The Trial Court has rejected the said application Exhibit 32 filed for amendment in the

plaint on the ground that if the amendment is allowed, the nature of the Suit would change.

2] In my view, no exception can be taken to the reasons mentioned by the Trial Court for rejecting the application Exhibit 32. Hence, no case for interference is made out. The Writ petition is accordingly dismissed. No costs.

(R. M. SAVANT, J.)

wadhwa