

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

WRIT PETITION NO.12028 OF 2015

Rajendra Kondiram Mutha

.. Petitioner

Versus

Smt. Mahananda Eknath Satupute and others

.. Respondents

Mr. A. R. Gole i/by Mr. S. C. Wakankar, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 7th DECEMBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 02.11.2015 passed by the Learned Adhoc District Judge-3, Baramati, by which order the application Exh.47 for amendment of the written statement at the appellate stage came to be rejected. The said rejection is inter-alia on the grounds mentioned in paragraph 6 of the impugned order, which grounds revolve around the fact that the Defendant has not placed on record any material which prima-facie shows that one Raghvendra Koparde was a tenant of the Plaintiff and that the said Raghvendra Koparde has handed over possession of tenanted property to the Plaintiff. The Defendant has also not placed on record sufficient material which prima-facie supports his case that he came to know about Plaintiff's possession over tenanted property of said

Raghvendra Koparde after the decision of the suit. In my view, having regard to the reasons mentioned in the impugned order by the Trial Court, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

2. However, it would be open for the Petitioner/Defendant to apply for amendment of the written statement, if he has material to substantiate his case that the Plaintiff is now in possession of the premises handed over to the said Raghvendra Koparde. If any such application is filed, needless to state that the same would be considered on its own merits and in accordance with law, uninfluenced by the fact that the earlier application was rejected.

[R.M. SAVANT, J]