

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11991 OF 2013**

Sahadu Shankar Gawali & Ors.

..Petitioners

Vs.

Tarabai Sahadu Gawade (deceased) & Ors.

..Respondents

Mr. Ketan Joshi i/b Mr. Sanjiv Sawant for the Petitioners

CORAM : R. M. SAVANT, J.

DATE : 6th JANUARY, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 25-9-2013 passed by the Learned Civil Judge Junior Division, Pimpri, by which order the application Exhibit 33 filed by the Respondents i.e. the original Plaintiffs came to be allowed.

2 The Learned Counsel for the Petitioners sought to make submission on merits of the amendment which were sought by the Plaintiffs. It is trite that at the stage of consideration of the application for amendment, the merits need not be considered. Hence the submissions of the Learned Counsel for the Petitioners cannot be countenanced.

3 Having regard to the reasons mentioned in the impugned order for allowing the application for amendment, Exhibit 33, and considering the fact that the trial is as yet to begin, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]