

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3216/2014

Shri Jagdish s/o Deonath Ninawe and another
..Versus..
Smt. Pushpabai w/o Jagdish Ninawe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 15.4.2015

Heard Shri V.D. Muley, the learned advocate for the petitioners. None for the respondent.

The petitioners/judgment debtors have filed this writ petition challenging the order passed by the trial Court rejecting the application (Exh. No.34) filed by the judgment debtors seeking to amend the reply.

The judgment debtors have stated that the proposed amendment is explanatory in nature and it will enable the Court to finally determine the real controversy between the parties. The learned advocate for the petitioners has submitted that the proposed amendment is necessary to enable the judgment debtors to prove that they are not liable for the damages as claimed by the decree holder.

Considering the facts on the record, I do not find any illegality or irregularity in the impugned order. It cannot be said that the learned trial Judge has failed to exercise the jurisdiction vested in him or has wrongly exercised the jurisdiction vested in him.

In view of the above, the writ petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.