

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2570 OF 2016

**Kaushalyabai W/o Sadashiv Bade Vs. Haribai W/o Mahadeo Bade
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.J.Salunke, advocate for the Petitioner.

CORAM : S.V.GANGAPURWALA, J.

Date : 21.03.2016.

PER COURT :

1. Heard.
2. The application for amendment in the Written Statement is rejected.
3. Mr.Salunke, learned counsel submits that the Respondent has filed a suit seeking relief of possession, declaration of ownership and the sale deed is not binding on her. The petitioner had filed Written Statement. Some witnesses are examined by the plaintiff. The petitioner noticed that material aspects were required to be clarified, as such by way of clarification amendment was sought. The same is rejected only on the ground that the plaintiff has concluded his evidence and that defendant No.2 – present

petitioner has examined three (3) witnesses. The trial has commenced. According to the learned counsel, the said embargo is directory in nature. The amendment is material and necessary for the effective adjudication of the disputed.

4. I have considered the submissions. The amendment which is sought to be introduced in a way also is a part of the pleadings, more particularly, para 16 and 20 of the Written Statement. It is also the fact that plaintiff has concluded his evidence. The present petitioner has examined three (3) witnesses also. Prior to four (4) years, the Written Statement is filed.

5. Considering the above, no case for interference is made out.

6. The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.21.03.2016.
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