

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 698 OF 2016

MRS. MARY PEREIRA, THR. POA BY
MENINO PEREIRA AND 6 ORS.

... Petitioners

Versus

ANANT MAHADEV VENGURLEKAR @ BABI
VENGURLEKAR (DEC) THR. LRS. AND 3
ORS.

... Respondents

Mr. M. Pereira, Advocate for the petitioners.

Coram:- C. V. BHADANG, J.

Date:- 25th July, 2016

P.C.

Heard.

2. The petitioners had filed an affidavit in lieu of Chief-Examination and subsequently, the plaint was amended. Hence, the petitioners sought leave of the Court to file a fresh affidavit in lieu of the affidavit already filed on record. The Trial Court, by an order dated 08/07/2016, has rejected the said application. However, the perusal of the order clearly shows that the Court has observed that the petitioners/ plaintiffs have an opportunity to file additional affidavit in respect of the amendment carried out to the plaint. It is evident that the Trial Court has permitted the petitioners to file an additional affidavit to the extent of the amendment to the plaint.

3. Thus, no case for interference is made out and the petition is dismissed. The learned Trial Court shall permit the petitioners to file additional affidavit to the extent of the amendment to the plaint.

C. V. BHADANG, J.

SMA