

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

WRIT PETITION NO.12646 OF 2015

Sou. Nikita Prasanna Katve

.. Petitioner

Versus

Shri. Sharad Shankar Pavaskar

.. Respondent

Mr. V. S. Gokhale, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 22nd FEBRUARY 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 09.10.2015 passed by the Learned 5th Joint Civil Judge, Junior Division, Kolhapur, by which order, the application Exh.112 for amendment of the written statement came to be allowed. By the amendment sought in the written statement, the Defendant sought to incorporate the pleadings to the effect that the Plaintiff i.e. the Petitioner herein is in the business of purchasing the disputed properties for a meager amount and as such during the pendency of the instant suit, she purchased the suit premises and has also entered into an agreement to sale in respect of some other property situated in Bapat Camp area. Though the said amendment sought by the Defendant has been turned as a “alternate plea” by the Trial Court, in my view, the same can be termed

as a defence which is sought to be taken by the Defendant to oppose the suit. It is well settled that an amendment in the written statement stands on a different footing than an amendment in the plaint. It would be always open for the Petitioner to urge the contention at the trial that the said pleadings are not relevant. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]