

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2275 OF 2016

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.Kuldeep S. Patil for the petitioner

CORAM : K. K. TATED, J.

DATE : JULY 20, 2016

P.C.:

1 Heard the learned counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 20.1.2016 passed by Joint Civil Judge, Senior Division, Vasai below Exhibit-24 in Special Civil Suit No. 52/2014 rejecting petitioner defendant's application under Order VI Rule 17 of the Code of Civil Procedure, 1908 for carrying out amendment in written statement for inserting certain particulars regarding the partition that had effected in the year 1970 between defendant nos.1, 4 and plaintiff relating to the properties situated at native place of the parties.

3 The Trial Court rejected defendant's application for carrying out amendment mainly on

the ground that trial started i.e. P.W.No.1 is in witness box and his cross-examination started. Not only that Trial Court also held that by carrying out amendment in the written statement defendant was attempting to take an altogether different stand regarding the suit property.

4 Considering the fact that trial already began I do not find any reason to interfere with the well reasoned order dated 20.1.2016 passed by Trial Court. Hence, Writ Petition stands rejected.

JUDGE