

Sequeira

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

WRIT PETITION NO. 8027 OF 2015

Mr.Athar Hussain Saida Husain
Chaudhary & anr.

.. Petitioners

Vs.

Krupasankar Sivdas Patel & ors.

.. Respondents

Mr.A.A.Siddiqui, for Petitioners.
Mr.Anil Bagwe, for Respondent No.1.

***CORAM : N.M.Jamdar, J.
Wednesday, 24 August 2016.***

P.C. :

By this petition, the Petitioner challenges the order passed by the learned Civil Judge Senior division Vasai, permitting the Respondent-Plaintiff to amend the plaint. The Respondent-Plaintiff filed a suit on 16 March 2012 seeking an order of injunction and declaration and by the amendment which is allowed, the Petitioner has sought to bring on record certain subsequent events which according to the Respondent-Plaintiff have transpired on 24 May 2012. It is the case of the Respondent-Plaintiff that after filing the suit, the Respondent-Plaintiff has lost possession of the property and the prayer is made for recovery of possession. The events are sought to be brought on record, are subsequent events and the amendment has been rightly granted by the learned Civil Judge. The Petitioner

will be entitled to file the pleadings as regards the amended portion and contest the amended plaint on its own merits. No failure of justice has been occasioned by the impugned order. No interference is warranted under Article 227 of the Constitution of India. Writ Petition is rejected.

(N.M.Jamdar, J.)