

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

WRIT PETITION NO. 6117 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. S.S. Patwardhan for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 22/07/2016**

PC.:

. Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 By this petition under Article 227 of the Constitution of India, the petitioner plaintiff challenges the order dated 01.03.2016 passed by 9th Joint, Civil Judge, Senior Division, Pune below Exh. 115 in Regular Civil Suit No. 603 of 2009 rejecting plaintiff's application to carry out amendment in plaint.

3 Trial Court in paragraph 6 of the impugned order held that plaintiff had made application for proposed amendment at belated stage. The Trial Court recorded that evidence of the plaintiff's side was completed and Defendant No.1 filed his evidence affidavit and the matter was pending for

his cross examination. The Trial Court also held that the proposed amendment is not essential to dispose off the controversy between the parties. The Trial Court relied on the ratio laid down by the Apex Court in the matter ***Vidyabai and Ors. V/s. Pandmalatha & Anr., AIR 2009 SC 1433.***

3 Considering this fact, I do not find any substance in the present Writ Petition. Same stands rejected.

4 The observation made by the Trial Court in the impugned order that plaintiff has no legal right to challenge the power of attorney executed by Defendant No.2 in favour of Defendant No.4 and the Agreement dated 07.12.1997 only for the purpose of deciding this application below Exh.15.

(K.K.TATED, J.)