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

WRIT PETITION NO. 11687 OF 2014

Mr. Hiralal Surajdin Motilal Pal. ... Petitioner.

V/s.

Mr. Harikesh Motilal Pal and Ors. ... Respondents.

Mr. U.V. Singh for the Petitioner.
Mr. Vijay Bhadkamkar for Respondents.

CORAM : N.M. Jamdar, J.

14 October, 2016.

Oral Order :-

Not on board. Taken on production board by way of praecipe.

2. By the impugned order dated 29 September 2014 which is passed two years back, the Plaintiff is permitted to carry out amendment. It is informed that the amendment is already carried out and the suit is now at the stage of issues. In the impugned order the learned Judge has noted that the Respondent – Plaintiff has sought to bring certain subsequent events of demolition on record. The learned Counsel for the Petitioner submitted that the

amendment ought not to have been granted as the events are not subsequent. The learned Judge has used his discretion in granting the amendment. The Petitioner can always file an additional written statement and merely because amendment is granted and carried out does not mean that the averments made in the amended portion are accepted.

3. In these circumstances, no interference is warranted in the impugned order. All contentions of the Petitioner as regard the amended portion are kept open. The Writ Petition is rejected.

(N.M. Jamdar, J.)