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

WRIT PETITION NO. 3333 OF 2016

Mr. Daulat Kondiba Temgire & Ors.

... Petitioners.

V/s.

Mr. Balasaheb Sudam Temgire.

... Respondent.

Mr. Mukund Pise for the Petitioners.

None for the Respondent.

CORAM : N.M. Jamdar, J.

18 August, 2016.

Oral Order :-

By this Petition the Petitioners challenge the order passed by the learned Civil Judge, Junior Division dated 16 October 2015 allowing the application filed by the Respondent – Plaintiff for amendment of the plaint, subject to cost. The learned Counsel for the Petitioner submitted that the amendment is entirely unnecessary and the suit is filed only in respect of one property of the Petitioners and by way of amendment, other unrelated properties are sought to be included and relief is prayed. He submitted that the order passed by the learned Judge is a non-speaking order.

2. In the application for amendment the Plaintiff has sought to include certain other parties as Defendant as according to the Respondent – Plaintiff, they being the heirs of original tenant, are necessary parties and without their presence and the inclusion of properties, there will not be any effective adjudication. The learned Civil Judge has, after considering the nature of the suit, has found the application to be bona-fide and has granted the amendment. No failure of justice has been pointed out neither any prejudice to the Petitioner. All that the Petitioner has done to include third person to the suit and seek relief against them. It is well settled that the supervisory jurisdiction under Article 227 of the Constitution has to be sparingly used and it is not to be exercised to correct every order unless a failure of justice is shown. In the present case, the Petitioner will get full opportunity to contest the suit on merits. It is informed that the Petitioner has already filed written statement to the amended portion. In the circumstances, no case is made out for interference. The Writ Petition is accordingly rejected. All contentions of the parties on merits are kept open.

(N.M. Jamdar, J.)