

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3185/2016

Ramdas Gopichand Dhumale
..Versus..
Wasudeo Govinda Tathe through L.Rs.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 14.6.2016

Heard Shri A.S. Kilor, Advocate for the
petitioner - defendant.

The petitioner takes exception to the order passed by the trial Court rejecting the application (Exh. No.110) filed by the defendant seeking permission to amend the written statement.

The learned Advocate for the petitioner has submitted that the learned trial Judge has committed an error by rejecting the application on the ground that if the proposed amendment is permitted, the nature of defence will change and it will cause injustice and prejudice to the plaintiffs.

The submission made on behalf of the petitioner cannot be accepted as application seeking permission to amend the written

statement is filed after recording of evidence of both the parties and the defendant has not been able to overcome the bar created by the proviso below Rule 17 of Order 6 of the Code of Civil Procedure. The impugned order does not suffer from any patent illegality or irregularity. I do not see any reason to interfere with the impugned order. The petition is **dismissed**. No costs.

JUDGE

Tambaskar.