

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

Writ Petition No.3516 of 2016
(Ramdas s/o Narayanrao Thombre v. Deepak Ramdas Kharpas and others)

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

Shri R.M. Sharma, Advocate for Petitioner.
Shri R.G. Kavimandan, Advocate for Respondent Nos.1 to 3.
Shri S.A. Chaudhari, Advocate for Respondent No.5.

Coram : R.K. Deshpande, J.
Date : 13th December, 2016

The order impugned in this petition rejects the application for amendment of plaint after the trial has commenced. The contention of Shri Sharma, the learned counsel for the petitioner, is that the events which have occurred during the pendency of the suit are sought to be brought on record by way of amendment. Hence, the question of due diligence under the proviso to Order VI, Rule 17 of the Code of Civil Procedure would not arise. He further submits that the Trial Court has committed an error in holding that the nature of the suit changes, and that the amendment is not necessary for deciding the real controversy involved in the matter.

After going through the plaint, written statement and the application for amendment, so also the order impugned in this

petition, it seems that the order being interlocutory in nature need not to be interfered with at this stage.

The petition is dismissed.

All questions are left open to be agitated in a regular civil appeal, if such occasion arises.

Judge.

Lanjewar