

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

WRIT PETITION NO.4371 OF 2014

(Rajesh s/o Ramchandra Admane ..vs.. Shrawan s/o Balaji Tarare and others)

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

Court's or Judge's orders

None for the petitioner,
Shri S.T. Godbole, Advocate for the respondent Nos.1 and 2,
Shri A.S. Band, Advocate for the respondent No.3.

CORAM : Z.A. HAQ, J.

DATED : 26-07-2016

None appeared for the petitioner on 18-07-2016.
Matter was adjourned. Today again none appeared for
the petitioner when the matter was called out.

2. Heard Shri S.T. Godbole, Advocate for the
respondent Nos.1 and 2 and Shri A.S. Band, Advocate for
the respondent No.3.

3. The petitioner has challenged the order passed by
the trial Court rejecting the application filed by him
under Order VI Rule 17 of the Code of Civil Procedure
seeking permission to amend the written statement. The
learned trial Judge has recorded that the plaintiff has
submitted the affidavit in lieu of examination-in-chief on
20-03-2013, that the petitioner-defendant No.2
thereafter sought permission to file written statement,
said permission was granted and then the matter was
adjourned for recording further examination-in-chief of

the plaintiff. The application (Exhibit No.52) filed by the petitioner-defendant No.2 seeking permission to amend the written statement is rejected on the ground that the defendant No.2 has not been able to overcome the bar created by Rule 17 of Order VI of the Code of Civil Procedure. The conclusions of the learned trial Judge are proper.

4. I see no reason to interfere with the impugned order. The petition is dismissed. In the circumstances, the parties to bear their own costs.

As the civil suit is of 2008, the learned trial Judge is directed to dispose the civil suit by 16-01-2017.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 27-07-2016.

P.A. to Hon'ble Judge.