

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1703 OF 2017

Nanasaheb s/o Arjun Pawar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.A.B.Jagtap, advocate for the petitioner

Mr.S.R.Yadav (Lonikar), A.G.P. for Respondents No.1 to 5.

CORAM : S.B.SHUKRE, J.

DATE : 08th February, 2017

PER COURT:

1 Heard.

2 The legality and correctness of the order dated 09.01.2017 has been questioned in this petition.

3 The learned Civil Judge, while rejecting the application, has observed that no explanation has been given by the petitioner as to why the amendment could not have been made earlier by him especially before trial of the suit commenced.

4 On going through the application dated 07.09.2016 (Exhibit-59), I find that only vague statements are made about non availability of the information leading to filing of amendment application and nothing has been stated as to why this information was not available earlier and when it became available to the petitioner. There is no dispute about the fact that the application,

so filed by the petitioner, would be covered by proviso to Order VI Rule 17 of the Code of Civil Procedure and the test of due diligence, as required by this proviso, has not been answered successfully by the petitioner, I do not see any illegality or perversity in the impugned order.

5 The petition, therefore, deserves to be dismissed and is dismissed summarily with costs.

S.B.SHUKRE
JUDGE

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