

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

924 WRIT PETITION NO. 513 OF 2017

SHAMBHUNATH RAMDULAR YADAV
VERSUS
THE ADMINISTRATOR CITY AND INDUSTRIAL DEVELOPMENT
CORPORATION LTD CIDCO AURANGABAD & ANOTHER

Advocate for Petitioner : Mr. A.D. Kasliwal
Advocate for Respondent No.2 :Mr. N.T. Tribhuvan

CORAM : S. B. SHUKRE, J.
Date: February 07, 2017

PER COURT :-

1 Heard.

2 Perused the impugned order.

3 It is more than clear that, amendment now sought to be made in the plaint could have been made much earlier before commencement of the trial and therefore, the learned District Judge has rightly held that the petitioner has failed in due diligence test as required by proviso to Order 6 Rule 17 CPC. Even otherwise, there is already a prayer made in the Suit, seeking relief in the nature of direction for transfer of the Suit house to the petitioner and in view of seeking of such relief, I find that, no prejudice would be caused to the petitioner. In the circumstances, I see no merit in this petition and it is dismissed summarily at admission stage with costs. However, it is directed that, the first Appellate Court shall not be influenced by the observations made by it in the impugned order, by which amendment application of the petitioner was rejected by it.

(S. B. SHUKRE, J.)