

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 135 OF 2017

SMT. SURANG P. BORCAR., ... Petitioner
Versus
MR. LAXIMIDAS BANDODKAR AND 3 ... Respondents
ORS.,

Adv. Raviraj Chodankar with Adv. Tapasya Anant Vernekar for
the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 15th February, 2017

P.C.:

The petitioner, who is the defendant no.1 before the trial court is challenging the order dated 4/8/2016, by which an application for amendment of plaint filed by the respondent no.1 (original plaintiff) has been allowed. The Respondent nos.2,3, and 4 are the original defendant nos.2, 3 and 4 before the trial court. Incidentally, the respondent nos.2,3 and 4 had given no objection for grant of the amendment.

2. The suit has been filed for declaration that the rent of Rs.65/- as fixed in the year 1970 is equivalent to Rs.1520.28 in the year 2008. The first respondent had placed reliance on the letter of the Reserve Bank of India dated 18/12/2009 to claim such equivalence. By the amendment, the date 18/12/2009 was sought

to be corrected as 18/12/2008 on the ground that the date was erroneously mentioned and the error is of a typographical nature, which amendment has been allowed.

3. In the present case it is undisputed that the petitioner has been proceeded ex parte in the suit on 7/8/2014. The application for amendment came to be filed on 7/4/2016. There was yet another application filed by the first respondent under Order 16 Rule 6 of C.P.C, seeking direction to the petitioner to produce the lease deed. It is this application which was served on the petitioner who then came to know about the amendment being allowed.

4. It is contended that the application for amendment was not served on the petitioner and as such, he could not file any reply to the same.

5. I have considered the circumstances and the submissions made. All that the impugned order does is allowing the amendment for incorporation of the date 18/12/2008 in place of 18/12/2009, which appears to be an error out of accidental slip or omission. No case for interference is made out. Needles to

mention that a copy pf the amendment plaint shall be served on the petitioner in accordance with law. Subject to this the writ petition is dismissed.

C. V. BHADANG, J.

ap/-