

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION (St.) NO. 1577 OF 2017

Mr. Sharat Subbarao Bolapragada. ... Petitioner.

V/s.

M. Edha Green & Anr. ... Respondents.

Mr. Akshay Kulkarni for the Petitioner.

CORAM : N.M. Jamdar, J.

18 January, 2017.

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. By this Petition the Petitioner has challenged the order passed by the Civil Judge, Junior Division, Sangli rejecting the application for amendment of the plaint. The Suit has been filed by the Petitioner for recovery of possession from the Respondents. The amendment which is rejected by the impugned order is only that the name of the proprietor of Respondent No.1 was wrongly remained to be incorporated and all that was sought was to include the name

of the proprietor. The learned Judge has noted that the amendment is only technical and will not affect the merits of the case, yet refused the same. There is no other substantial ground mentioned. Ultimately the object of the Code of Civil Procedure is to achieve substantive justice. Hyper technical approach is not warranted. In view of this obvious position, the learned Counsel for the Petitioner prays that an application for recall of the impugned order be permitted to be filed.

3. Liberty is granted to the Petitioner to withdraw the Petition to file an application for recall of the impugned order and to apply for amendment afresh, in the light of what is stated above. Unless some substantiative grounds exist in respect of the amendment, the learned Judge will keep in mind the above object. The Writ Petition is disposed of as withdrawn, with liberty as prayed.

(N.M. Jamdar, J.)