

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

WRIT PETITION NO. 6985 OF 2013

Smt. Hausabai Ramkrishna Mhatre & Anr. ... Petitioners

Versus

Shri Namdev Chandrya (Chandrakant)
Bhoir & Ors. ... Respondents

.....

Mr.P.S.Dani, Senior Advocate for the Petitioners.

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CORAM:Mrs.MRIDULA BHATKAR, J.

DATED : APRIL 3, 2017

P.C. :

1. Perused the notice and the report of the office in respect of service of notice which shows that time to time the matter was taken up. However, the notices were issued before admission to all the respondents, returnable on 27th February 2014. Noting discloses that notices were served to respondent Nos. 6, 8, 9 to 17 and 19. Thereafter, on number of occasions time was granted to serve the notices and to take steps to serve upon respondent nos. 20 and 21. Noting dated 23rd June 2014 shows that time was granted for six weeks to issue notice to respondent nos. 20 and 21. Noting shows that the notices were issued to respondent nos.20 and 21 are awaited. This Writ Petition is pending since 2013 and some of the respondents are served, however, they are not present.

2. Perused the order dated 28th February 2013 passed by the learned Joint Civil Judge, Senior Division, Kalyan in Special C.S.No. 549 of 2010 rejecting the application for amendment in the plaint under Order VI Rule 17 of the Code of Civil Procedure is under challenge.

3. Perused the order and also the application which was made by the plaintiff i.e. the petitioner for proposed amendment. After going through the proposed amendment and the reasoning given by the learned Judge of the trial Court that amendment is filed by way of reply to the written statement is correct. I do not find any reason to interfere with the order passed by the learned Judge of the trial Court. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)