

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

WRIT PETITION NO. 2495 OF 2001

Smt. Prabhavati Pandurang Koli ...Petitioner
Versus
Smt. Shobha Krishnan Nair ...Respondent

Mr.Nikhil Jayakar i/by Mr.Dinesh Rane for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 19th SEPTEMBER 2017

P.C.

1. Not on board. Upon production, taken on board.
2. Matter was yesterday on the board. Petitioners failed to attend the matter. Thereafter, promptly, production was applied for and obtained. This is abuse of the privilege for seeking production. Accordingly, costs of Rs.5,000/- are imposed. The costs are made payable in favour of the Maharashtra State Legal Service Authority.
3. The challenge in this petition is to the order dated 19th March 2001 by which, the petitioners (Original Plaintiffs) were declined leave to amend the plaint. Though, Rule was issued in this petition there was no interim relief staying further proceedings in

this suit. The evidence in the suit is now concluded and even the final arguments are over. At this stage it will not be appropriate to interfere with the impugned order. However, it is necessary to clarify that in case the suit is decided against the petitioner and the petitioner chooses to institute a substantial appeal to challenge such decision. The petitioner to have liberty to challenge the impugned order in such a substantive appeal. Accordingly, with liberty as aforesaid this petition is disposed of.

(M. S. SONAK, J.)