

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

WRIT PETITION NO. 625 OF 2017

Madhav Vishwanath Labhade & Ors. .. Petitioners

v/s.

Ramesh Gangadhar Kawade & Ors. .. Respondents

Mr. R.M. Gite for the petitioners

Mr. S.S. Kulkarni a/w Ms. Madhura Deshmukh for respondent no.1.

CORAM : M.S. SANKLECHA, J.

DATED : 11th SEPTEMBER, 2017

P.C.

1. This petition is moved for urgent reliefs and admission.
2. Mr. Gite, learned Counsel for the petitioner states that the respondents have been served. He further states that the urgency in moving this petition is that the next date before the trial Court is 16th September, 2017 and the adjournment is being refused, inspite of pending petition.
3. This petition challenges the order dated 1st October, 2016 passed by the Civil Judge, Junior Division, Yeola, Dist. Nashik. By

the impugned order, the petitioner's application to amend the written statement was disallowed. Admittedly, the application to carry out amendment was made after commencement of the trial inasmuch as after the plaintiff has filed his affidavit of examination-in-chief. The impugned order rejects the application for amendment on the ground that it has not explained any due diligence on his part seeking to carry out the amendment after the trial has commenced. Nothing is shown to me on record which would explain due diligence on the part of the defendant to explain the delay in moving the application for amendment. The discretion exercised by the trial Court is reasonable and would not warrant interference in my supervisory jurisdiction under Article 227 of the Constitution of India.

4. Accordingly, the petition is dismissed. No order as to costs.

(M.S. SANKLECHA, J.)