

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4483 OF 2016

(JITENDERA NETRAM SHARMA....VS.. TULSIRAM KAWDUJI MULEY.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.D.Shukla, advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 15, 2017.

Heard.

The original defendant has approached this Court against the order passed by the learned trial Judge rejecting application (Exh.56) filed by him seeking permission to amend the written statement. According to the defendant, at the time of cross-examination of the plaintiff it is revealed that he is not having valid document of title in respect of the suit property and therefore, immediately the application (Exh.56) is filed seeking permission to bring on record these pleadings. The learned advocate for the petitioner has submitted that the trial Court has committed an error in going to the merits of the proposed amendment for rejecting the application.

The learned trial Judge has recorded that the defendant had been paying rent to the plaintiff and admittedly the defendant is the tenant of the plaintiff and therefore, the defendant cannot raise any dispute relating to title of the plaintiff. The conclusions of the learned trial

Judge cannot be faulted with. The learned trial Judge has not committed any patent illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

The petition is **dismissed**. No costs.

JUDGE

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