

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

**WRIT PETITION NO.5036 OF 2016**

(AMAR SUKHDEORAO GEDAM...VS.. RUPESH RAMESH DESHMUKH)

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

Court's or Judge's orders

Shri Y.P. Kaslikar, Advocate for Petitioner.

**CORAM : Z.A.HAQ, J.**

**DATED : FEBRUARY 13, 2017.**

Heard.

The petitioner/ original defendant has challenged the order passed by the trial Court rejecting the application (Exh.51) filed by him under Order 6 Rule 17 of the Code of Civil Procedure seeking permission to amend the written statement. The learned trial Judge has recorded that the defendant was aware about the facts which he intends to bring on the record by amending the written statement and there is no plausible explanation why the defendant has not incorporated pleadings at the time of filing of the written statement or by filing the application seeking amendment to the written statement, immediately, after filing of the written statement.

The learned advocate for the petitioner, relying on the judgment given in the case of *R.K. Patel Engineers Vs. CIDCO*, reported in **2014 (5) Mh.L.J. 380** has submitted that the trial Court has submitted that the trial Court has committed an error of jurisdiction by rejecting the application overlooking the established law that the amendment should

be granted liberally. Though the proposition laid down in the above judgment is well settled, in the facts of the present case I find that the learned trial Judge has properly appreciated the relevant aspects and has rightly exercised his jurisdiction.

I see no reason to interfere in the matter. The petition is dismissed. No costs.

**JUDGE**

*RRaut..*