

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

WRIT PETITION NO.4815 OF 2016
(C.G.SHASHIDHARAN...VS.. ITWARI MASJID COMMITTEE.)

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

Court's or Judge's orders

Shri N.G.Jetha, advocate for Petitioner
Shri P.A.Markandeywar, advocate for Respondent.

CORAM : Z.A.HAQ, J.
DATED : FEBRUARY 15, 2017.

Heard.

The petitioner has challenged the order passed by the learned District Judge rejecting the application (Exh.10) filed by him under Order 6 Rule 17 of the Code of Civil Procedure at appellate stage seeking permission to amend the written statement. The only explanation given in the application for not incorporating the pleadings sought to be brought on record by the proposed amendment is that the advocate who represented the petitioner earlier has not stated true facts in the written statement filed on his behalf and has not properly examined the petitioner/ defendant to prove his defence. Except for this submission, no other explanation is given by the petitioner.

The explanation given by the petitioner cannot be accepted in the absence of any specific pleadings and material to substantiate the contention.

The learned District Judge has properly considered the relevant aspects. I do not find any patent illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

RRaut..