

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1616 OF 2018

DATTATRAY BHANUDAS SASTE AND OTHERS
VERSUS
ANJANABAI BHANUDAS SASTE

Advocate for Petitioners : Shri D.A. Madke
h/f. Shri A.R. Barate.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 12th February, 2018

PER COURT :

1. The petitioners/original defendants are aggrieved by the order dated 29/11/2017, by which, the Trial Court has disallowed application Exhibit 50, filed by the defendants seeking amendment to the written statement after the plaintiff has closed her evidence and one of the defendant has filed his examination-in-chief by way of an affidavit.

2. I have considered the strenuous submissions of the learned advocate of the petitioners and have gone through the petition paper book with his assistance. By application Exhibit 50, the defendants desire to introduce paragraph No. 10 (A) to explain how the sale deed has been signed by the parties. The Trial Court has rejected Exhibit 50, by recording that the defendants have already pleaded in the written statement as regards the said sale deed. The pleadings

contain the reference of the said sale deed. The manner in which the sale deed can be proved before the Court is provided under the Evidence Act and hence, the Trial Court has concluded that it would be for the defendants to prove the sale deed through their evidence.

3. Considering the above and taking into account that the pleadings with reference to the sale deed are found in the written statement which has been noted by the Trial Court, I do not have any reason to disagree with the findings of the Trial Court that the defendants will have to prove the sale deed by following the due procedure laid down in law.

4. Considering the above, the impugned order cannot be termed as being perverse or erroneous. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)