

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4254 OF 2017

AABASAHEB YADAV JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shinde S.K.
AGP for Respondents: Mr. S.N. Kendre
Advocate for Respondents : Mr. A.M. Gaikwad

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CORAM : V. K. JADHAV, J.
DATED : 5th MARCH, 2018

PER COURT:-

1. Heard finally with consent of the parties.
2. I do not find any substance in the petition. The petitioner-original plaintiff has filed an application Exh.55 seeking amendment in the plaint at belated stage without any explanation. Admittedly, after the suit was posted for final hearing the petitioner-original plaintiff has filed an application No.55.
3. On careful perusal of the plaint and the contents of application Exh.55, it appears that the main prayer of the petitioner-plaintiff is against the acquiring body seeking direction to pass the award. After closing of evidence, when the suit is posted for final hearing, the petitioner-plaintiff is seeking amendment in the plaint to the

extent that till passing of the award, the acquiring body should not proceed with the construction work of the canal. I find that this particular amendment is unwanted and uncalled for when the petitioner-plaintiff way back in the year 2014 was permitted to amend the plaint and thereafter he had filed a pursis of closing evidence at Exh. 54. Thereafter, the petitioner-plaintiff got four adjournments under one or another pretext for arguing the matter finally. I find no fault in the impugned order. There is no substance in the writ petition. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

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