

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

32 WRIT PETITION NO. 3300 OF 2018

VIMALBAI MAGANLAL JOSHI & ANR.

VERSUS

UNION OF INDIA & ORS.

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Mr. A.J.Patil, Advocate for Petitioners.

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CORAM : V.L.ACHLIYA, J.

DATE : 2nd APRIL, 2018

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ORAL ORDER :

1. The petitioners have filed this Writ Petition challenging the order dated 16/02/2018 rejecting the application seeking amendment in plaint.

2. On due consideration of the submissions advanced in the light of order passed, I am not inclined to entertain the petition. The Suit in question was filed in the year 2012 seeking removal of encroachment and possession of portion encroached. Petitioners have also claimed alternate relief of compensation in case decree to remove encroachment can not be passed against respondent Nos. 1 to 3. The trial Court has rejected the application by observing that the application seeking amendment has been filed at belated stage i.e. at the stage of final

arguments. It is further observed that if the amendment is allowed, it leads to amendment of plaint, consequential amendment to written statement and recording of additional evidence. So also no explanation has been put-forth for making the application at such belated stage.

3. Having considered the submissions advanced, I am of the view that the impugned order calls for no interference in exercise of writ jurisdiction under Article 227 of Constitution of India. The order is well reasoned and within the authority vested with the trial Court. No satisfactory explanation has been put-forth so as to entertain the application seeking amendment at such belated stage of final arguments. The petitioners have already claimed Rs. 14 Lakhs as compensation by way of alternate relief. No serious prejudice would be caused to the petitioners on account of rejection of the application.

4. In this view, Writ Petition stands dismissed.

[V.L.ACHLIYA, J.]