

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11264 OF 2018

CHHABAN VINAYAKRAO KULKARNI AND OTHERS
VERSUS
KASHINATH BHUJANGRAO MAGAR THROUGH LRS
APARNA KASHINATH MAGAR AND OTHERS

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Advocate for Petitioners : Mr Bhandari Anand P.
Advocate for Respondent 2 : Kasliwal Ajit D.

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CORAM : N.M. JAMDAR, J.

Dated: November 21, 2018

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ORAL ORDER :-

1. Heard the learned counsel for the petitioners. Application of the petitioner for amendment of the plaint to incorporate a new prayer in the appeal has been rejected by the learned District Judge. The suit was filed on 17.2.2010. It was decided on 6.5.2016. Appeal was filed on 13.5.2016 and it was listed for final arguments on 24.10.2017 and the prayer for amendment was made at that stage. There is no sufficient reason for this delay and neglect. Learned District judge is right in inferring that the application is filed only to delay the hearing of the appeal. There is no warrant to interfere under

article 227 of the Constitution of India. Writ petition is accordingly rejected.

2. The learned counsel for the petitioner seeks further clarification regarding his right to seek relief. If the petitioner is entitled in law to any relief in the appeal, it is obvious that the same is not taken away by rejection of this petition.

(N.M. JAMDAR, J.)

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aaa/-