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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8462 OF 2017

Vijaysinh Pulp Board Industries

Pvt.Ltd and anr

... Petitioners

V/s.

M/s Suresh and Company and

6 others

... Respondents

Mr. Tejas Dande a/w Niranjan P. Bhavake i/by Tejas
Dande & Associates, for the Petitioners.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 18th APRIL, 2018.

P.C. :

1] Heard learned counsel for the petitioners.

2] By this petition filed under Article 227 of the Constitution of India, the petitioners are challenging the order dated 3.3.2016, passed by 3rd Civil Judge Senior Division, Kolhapur, below Exh.193 in Special Civil Suit No.264 of 1995.

3] Application at Exh.193 was filed by the present petitioners, who are defendants before the trial Court, for carrying out amendment in the written statement.

4] At the outset, the amendment is sought at very belated stage that is after the trial has commenced. Secondly, the suit is of

the year 1995. The amendment is sought after about 21 years and that too additional written statement has been filed in the year 2007 itself. No reasonable or plausible explanation was offered for such long delay. The amendment sought is also of consequential relief to adding several facts. In view thereof, the trial Court has rejected this application having regard to the Proviso provided under Order VI Rule 17 of C.P.C., which clearly puts an embargo in considering the application for amendment after the trial has commenced and without any explanation about exercise of due diligence.

5] In view thereof, no interference is warranted in the impugned order. The Writ Petition being without merit, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]