

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

WRIT PETITION NO.2196 OF 2018

Jehangir Balaso Sanadi

... Petitioner

Vs.

Naushadbi Moula Chikode

... Respondent

Mr.Ashutosh Gole for the petitioner

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JUNE 29, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Writ Petition is directed against the order dated 19.4.2017 passed by the learned Joint Civil Judge, Junior Division, Kurundwad, thereby rejecting the application for amendment of the plaint made by the petitioner / plaintiff below exhibit 39 in Regular Civil Suit No.30 of 2013. The learned Counsel for the petitioner submits that the petitioner's wife and the respondent are the real sisters. Their real brother has mortgaged a part of the suit land with one bank and he did not repay the loan and, therefore, the bank has initiated proceedings against the wife of the plaintiff, respondent and their brother, who is now expired. The suit before

the civil Court is for specific performance. In the said suit, by way of amendment, the plaintiff wants to plead facts about mortgage of the part of the suit land, of raising loan, increase of interest and about the will made by one Babu Khan, the deceased brother in favour of the petitioner's wife.

3. The learned Counsel submits that the application for amendment was given before commencement of the evidence and the petitioner and the petitioner's wife are not concerned with mortgage and the acts done by the deceased brother. He is not concerned with the recovery of the loan and as the interest is increasing. He wants concession in the payment of remaining consideration amount. Considering the frame of the suit, pleadings, and the prayers made, I am of the view that these amendments are irrelevant and have nothing to do with the relief sought which is of registration of the sale deed.

4. Hence, no interference is called for. The Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)