

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8003 OF 2016

**Maruti Raghuji Dalvi,
Deceased through legal heirs**

..... Petitioners

VERSUS

**Smt.Shewantabai alias
Laxmibai Vitthal Dalvi & Ors.**

..... Respondents

Mr.Kayval P. Shah for the Petitioners.

Mr.S.S.Patwardhan, i/b. Mr.Sanjay S.Rayrikar for the Respondent nos.
1 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 11th OCTOBER, 2018

P.C.

Heard learned counsel appearing for the parties.

2. By this petition filed under Article 227 of the Constitution of India, the petitioners (original plaintiffs) have impugned the order dated 27th October,2015 rejecting the application at Ex.73 which was for seeking amendment to the plaint.

3. The original suit was for possession under section 6 of the Specific Relief Act, 1963. It is an admitted position that during the pendency of the said suit, the original structure is already demolished. The defendant has already constructed a new structure on the plot and has already created third party right.

4. In these circumstances, in my view, the learned trial judge has rightly rejected the application for amendment of the plaint. I do not find any infirmity with the impugned order passed by the learned trial judge.

5. Writ petition is devoid of merit and is accordingly rejected. There shall be no order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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by Kanchan
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2018.10.11
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