

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

WRIT PETITION No. 5374 OF 2017

Shri Ganesh Laxman @ Dattatraya Patil

...Petitioner

Vs.

Shri Sitaram Digambar Thakre and Ors.

...Respondents

None for Petitioner (for first session)

Mr. S.T. Bhosale, Advocate for the Petitioner, mentioned the matter at 5.00 p.m.

CORAM : K.K. TATED , J.

DATE: MAY 03, 2018

P.C.

1. When the matter was called out, no one appeared on behalf of the Petitioner. Hence, petition is dismissed for non-prosecution.

2. Later on, at 5.00 p.m., Mr. S.T. Bhosale, learned counsel for the Petitioners has mentioned the matter. Considering the submissions made by the learned counsel for the Petitioners, the earlier order is recalled. Writ petition is restored to file and taken up for hearing on its own merits.

3. By this petition, which is filed under Article 227 of the Constitution of India, the Petitioner- Original Plaintiff is challenging the order dated 27th March, 2017 passed by the Joint Civil Judge, Senior Division Barshi below Exhibit 191 in Regular Civil Suit No. 604 of 2012 rejecting the application

under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for carrying out the amendments in the plaint. The Trial Court has specifically observed that the matter was finally argued and at that stage, the Petitioner – Original Plaintiff filed an application for amendment. Hence, I do not find any reason to interfere in the well reasoned order dated 27.3.2017. The petition stands rejected. No orders as to costs.

[K.K. TATED, J.]