

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6598 OF 2015

Prima Paper Private Limited ..Petitioner

Vs.

Greeves Cotton Ltd ..Respondent

Mr. Amit Kumar Deshpande I/b Rajesh Mirchandani, for the
Petitioner.

Ms. Jyoti Sanap I/b M/s V. Deshpande and Co, for the Respondent.

CORAM :- B.P.COLABAWALLA, J.
DATE :- DECEMBER 7, 2018.

P. C.:

This Writ Petition has been filed challenging the order dated 24th November, 2014 passed below Exhibit-47 in Special Civil Suit No. 331 of 2009.

2 Exhibit-47 was an application filed by the Plaintiff (the Petitioner herein) under Order VI Rule 17 for amendment of the plaint. This application was rejected by the Trial Court vide the impugned order. The Trial Court came to a conclusion that this amendment cannot be allowed for two reasons. Firstly, this

amendment application had been filed long after the trial had already commenced (and which is an admitted fact) and the Plaintiff was unable to establish to the Court that the facts that he was seeking to bring on record were not to his knowledge prior to the commencement of the trial. The second ground on which the amendment application was dismissed was, that it would have the effect of taking away the admissions made by the Plaintiff in his cross examination. It is for these reasons that the Trial Court dismissed the amendment application.

3 The learned counsel appearing on behalf of the Petitioner has sought to contend before me that the amendments that were sought to be brought on record were the typographical or inadvertent mistakes and therefore the Trial Court ought not to have taken such hyper technical approach.

4 I am unable to agree with the submission of the Petitioner. I have gone through the application for amendment as well as the amendment sought. On going through this application, I find that the amendments sought are not merely typographical mistakes or inadvertent errors. All that is sought to be introduced by the amendment was admittedly within the knowledge of the

Plaintiff long before the filing of the suit, much less commencement of the trial. In these circumstances, I do not think that the Trial Court was unjustified in rejecting the application for amendment.

5 In any event, on going through the order passed by the Trial Court, I do not find that the same suffers from any perversity or is vitiated by any error of law apparent on the face of the record requiring my interference under Article 227 of the Constitution of India.

6 In view of the foregoing discussions, I find no merit in this Writ Petition. It is accordingly dismissed. No order as to costs.

(B. P. COLABAWALLA, J.)