

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

WRIT PETITION No.2916 OF 2015

Shri Anant Keshav Paknikar ... Petitioner

Vs.

Smt.Jayashree Vinayak Atre & Ors. ... Respondents

Mr.Mayur D. Joglekar for the Petitioner

Mr.G.S. Godbole i/b P.G. Chavan for the Respondent Nos.2 & 3

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 24, 2018**

P.C. :

1. Rule. By consent of the parties, Rule made returnable forthwith and heard finally.
2. This petition is directed against the order dated 30.12.2013 passed by the learned Joint Civil Judge, Senior Division, Pune, below exhibit 37 in Special Civil Suit No.1008 of 2007. The application for amendment of the plaint under Order 6 Rule 17 of the Civil Procedure Code was moved by the plaintiff. It was allowed partly. So, the plaintiff has challenged the said order to the extent of rejection of the proposed amendments.

3. By way of amendments, the plaintiff has prayed that defendant No.3 be added as a party to the suit and further sought consequential amendments. Defendant No.2 is a partnership firm and defendant No.3 is a partner of that firm and it appears that from the pleadings that the sale deed is executed in the name of defendant No.3 and though the partnership firm is carrying out the business.

4. Heard submissions of both the learned Counsel. The learned Judge has allowed prayer clause (a) of adding defendant No.3 to the array of party defendants and also allowed to add para 5(d) of the application. However, surprisingly, he has rejected prayer clauses 5(b) and 5(c), which are consequential amendments. In view of the nature of the suit, prayer clauses 5(b) and 5(c) ought to have been allowed.

5. Hence, Rule made absolute. The impugned order dated 30.12.2013 is set aside to the extent of rejection of prayer clauses 5(b) and 5(c).

6. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)