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

WRIT PETITION NO. 13602 OF 2018

Kunvarben D/o Lala Ram & AnotherPetitioners

V/s.

Manjula Mohanlal Baria & OrsRespondents

Mr. Sandeep S. Jinsiwale for the petitioner

CORAM : K. K. TATED, J.

DATE : 6th DECEMBER, 2018.

P.C.

Heard the learned counsel Mr. Jinsiwale for the petitioner.

2 By this writ petition, petitioner/original plaintiff is challenging the order dated 27/06/2018 passed by Principal District Judge, Diu below Exhibit 15 in Civil Miscellaneous Appeal no. 2 of 2016.

3 The learned counsel for the petitioner submits that in the present proceedings, respondents/original defendant filed

application for amendment of written statement under Order VI Rule 17 of the Code of Civil Procedure, 1908 on 29/03/2016 to place on record Adoption Deed dated 14/03/2016. He submits that application was allowed by Civil Judge, (S.D.), Dui by order dated 29/06/2016. Against the said order, petitioner/original plaintiff preferred an appeal. He submits that the appeal was dismissed on the ground that, same is not maintainable as per Order 43 Rule 1 of the Code of Civil Procedure, 1908. In support of this statement, he relies on paragraph 6 of the impugned order dated 27/06/2018.

4 It is to be noted that admittedly the appeal is not maintainable under Order 43 Rule 1 of the Code of Civil Procedure, 1908. Therefore, I do not find any reason to entertain the present writ petition.

5 The writ petition stands rejected.

6 No order as to costs.

[K. K. TATED, J.]