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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.495 OF 2018

Babaso C. Patil, since deceased
through His L.Rs. & Ors.

...Petitioners

V/s.

Krushnabai S. Patil, since deceased
through Her L.Rs. & Ors.

...Respondents

Mr.Utkarsh Desai i/b Mr.Prashant Bhavake for the Petitioners.

CORAM : R.D. DHANUKA, J.

DATE : 12TH SEPTEMBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioners have impugned the order dated 8th Decease, 2016 passed by the learned District Judge – 7, Kolhapur dismissing the application below Exhibit – 29 in Regular Civil Appeal No.160 of 2012 seeking amendment to the suit filed in the year 2004 which came to be dismissed by the learned Trial Judge.

2. In the said suit, the plaintiffs had prayed for a declaration that the Sale Deed dated 13th April, 2004 executed by the defendant no.1 in favour of the defendant nos.2 to 5 was illegal. Learned Trial Judge has already dismissed the said suit on merits. By the proposed amendment, the plaintiffs sought specific performance of the

agreement dated 11th February, 1975.

3. No case was made out for seeking amendment to the plaint after several years. The nature of the amendment was such that if allowed. it would change the nature of the suit. Learned District Judge has rightly rejected the said application below Exhibit – 29 by recording detailed reasons in the impugned order. No infirmity can be found in the impugned order passed by the learned District Judge.

4. The writ petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

Vasant
Anandrao
Idhol

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Date: 2018.09.14
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(R.D. DHANUKA, J.)