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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14198 OF 2017

Raju C. Badale

...Petitioner

V/s.

Lata Shinde & Anr.

...Respondents

Mr.R.M. Kanojiya for the Petitioner.

Mr.Prithiviraj S. Gole I/b Mr.Chintan Y. Shah for the Respondent No.2.

CORAM : R.D. DHANUKA, J.

DATE : 18TH SEPTEMBER, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th September, 2017 passed by the learned 6th Joint Civil Judge, Senior Division, Thane rejecting the application (Exhibit – 95) filed by the petitioner under Order I Rule 10 read with Order VI Rule 17 read with section 151 of the Code of Civil Procedure, 1908 *inter-alia* praying for the amendment of the plaint.
3. I have perused the prayers in the original suit, the application for amendment dated 9th October, 2015 filed by the petitioner and the impugned order dated 16th September, 2017 passed by the learned Trial Judge. A perusal of the prayer for seeking

amendment to the plaint clearly indicates that the entire cause of action is sought to be changed by the proposed amendment. Several paragraphs of the suit are sought to be deleted. Impleadment of a third party is sought and also various substantive prayers are sought to be impleaded in the suit. The affidavit of evidence is already filed by the petitioner.

4. For the aforesaid reasons, do not find any infirmity in the impugned order passed by the learned 6th Joint Civil Judge, Senior Division, Thane. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

Vasant
Anandrao Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.09.19 11:14:18 +0530

(R.D. DHANUKA, J.)