

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR**

WP No. 3427 of 2018

Jaiprakash v. Jivak Aushadhi and ors

Ms R. D. Raskar, Advocate for petitioner
Shri A. C. Dharmadhikari, Advocate for respondents 1 and 2

**Coram : S. B. Shukre, J
Dated : 5th September 2018**

P.C.

Heard learned counsel for the petitioner and learned counsel for respondents no. 1 and 2/caveators.

On going through the impugned order, I find that no grave prejudice is going to be caused to the petitioner. The test of due diligence, as submitted by learned counsel for the petitioner which is a part of amended provisions of Order 6, Rule 17 CPC is also not applicable to the proceedings before the School Tribunal. The proposed amendment does not affect the nature of defence nor it changes the basic structure of the controversy. Rather, it appears that it is necessary for effectively deciding the controversy.

Therefore, no interference is warranted. Petition is dismissed summarily. The School Tribunal is directed to dispose of the appeal as early as possible and at any rate, within a period of six months from today.

JUDGE

joshi