

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 586 OF 2019

DHONDIRAM NAMA DIKALE
VERSUS
SHESHABAI GANAPATI KALE AND OTHERS

...
Mr. V.S. Undre, Advocate for petitioner

...
CORAM : SUNIL P. DESHMUKH, J.
DATE : 09-07-2019

ORDER :

1. This petition has been moved against order dated 20-07-2017 whereunder request of original plaintiff, to carry out amendment earlier allowed under order dated 16-06-2017 had been accepted. It is this order which is purportedly assailed in the present writ petition.

2. Learned counsel for petitioner though submits that the amendment had not been carried out within 14 days, the order assailed is untenable as no plausible reason is given in the same.

3. Looking at the nature of order, while the original order allowing amendment to be carried out to the plaint had not been questioned and only execution of order is being challenged while

delay therein is explained and accepted by trial court, writ would be out of scope of petitioner's challenge.

4. It is not a case wherein indulgence, is required to be given under article 227 of constitution of India, into the request made in this petition. Writ petition is, therefore, rejected.

[SUNIL P. DESHMUKH]
JUDGE

arp/