

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 500 OF 2019

PRASHANT RAMCHANDRA PHADNIS., ... Petitioner

Versus

G. S. PATKAR (DEC) THR. HIS LR.,
NARAYAN GOVIND PATKAR., ... Respondent

Mr. Prashil Arolkar, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 11th July 2019

ORAL ORDER

Heard the learned Counsel for the petitioner.

2. On 28.06.2019, a notice for final disposal was issued to the respondent. The respondent is shown to be served. However, none appears.

3. The petitioner-original applicant, before the learned Civil Judge, Junior Division, at Quepem in Rent Case No.03/2018/B had sought amendment of his application. The proposed amendment as contained in the Schedule which is part of the application, is as under :

SCHEDULE

1. In the cause title of the application after the word 'Proprietor' and before the word 'Sitaram' following name 'Govind' is to be added.
2. Before the name of 'Shri Narayan Govind Patkar' in the cause title of the application following number as to be added '1(a)'.
4. The learned Counsel for the applicant submits that the respondent had left the matter to the discretion of the Hon'ble Court which is apparent from the endorsement dated 04.01.2019 below the application, nonetheless the learned Trial Court has dismissed the application by the impugned Order dated 27.03.2019 and that too on the ground that the applicant has not pointed out the errors which the applicant wanted to correct. The said observation by the learned Trial Court to say the least is totally against the record when the schedule sets out the nature of the correction. Looking to the nature of the correction sought

and further having regard to the fact that the respondent had not opposed the application, the Trial Court ought to have allowed the application.

5. In the circumstances, the petition is allowed. The impugned order dated 27.03.2019 is hereby set aside. The application, exhibit 7, is allowed as prayed. The necessary amendment shall be carried out within two weeks from today.

6. The petition is disposed off.

C. V. BHADANG, J.

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