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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.1690 OF 2014

Shankarrao Salokhe & anr .. Petitioners

vs

Dipak Balaso Patil & Pol & ors .. Respondents

Ms.Manisha Prajapati I/b Mr.S.V.Sadavarte for Petitioner

For speaking to minutes of order

CORAM : K.K.TATED, J.

DATED : 24th JANUARY, 2019

P.C.:

Advocate for the petitioners has filed a praecipe for speaking to the minutes of order dated 18.1.2019 passed by this court. At her request, matter is taken board for urgent orders.

2. In order dated 18.1.2019 passed by this Court, on first page in para 2 in line 3, instead of '413' it should be '403/1'. Rest of the order remains as it is.

Correct order reads thus:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1690/2014

Shankarrao B.Salokhe & anr .. Petitioners

vs

Dipak Balaso Patil & Pol & ors .. Respondents

Ms.Manisha Prajapati I.B S.V.Sadavarte for the Petitioners
Mr.Chetan G.Patil for the Respondents

CORAM: K.K.TATED, J
DATED: JANUARY 18, 2019

P.C.

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner – Defendant challenges the order dated 03.09.2013 passed by the 5th Jt.Civil Judge, Junior Division, Kolhapur below Exhibit -91 in Regular Civil Suit No.730/2010 rejecting his Application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for amendment in the written statement.

2 The main contention of the Petitioner is that the revenue dispute was pending in respect of the property bearing CTS No.403/1 situated at A Ward, Kolhapur. They wanted to bring these facts on record.

3. It is to be noted that the Respondent – Plaintiff raised the objection that the property bearing CTS No.413/1 is not a subject matter of their litigation in Regular Civil Suit No.730/2010. On this basis, the Trial Court has rejected their Application for amendment.

4 Considering the submissions made by the learned counsel for the Petitioner and the impugned order, I do not find any substance in the

Writ Petition because the Petitioner wants to bring on record certain facts which are not concerned with the present litigation.

5 Hence, the Writ Petition stands rejected. No order as to costs.

(K.K.TATED, J)