

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4306 OF 2018**

Smt. Daya Yuvraj Patil

.. Petitioner

Versus

Vimal Appaso Patil (decd.)

and Anr.

.. Respondents

Mr. D.V. Sutar for petitioner.

CORAM : K.K. TATED, J.

DATE : 05 MARCH 2019.

P.C:-

. Heard learned Counsel for the petitioner.

2. By this writ petition under Article 227 of the Constitution of India, petitioner/original defendant is challenging the order dated 15.09.2017 passed by the 7th Joint Civil Judge, Junior Division, Ichalkaranji below Exhibit-20 in Regular Civil suit No.31 of 2015 allowing respondent/original plaintiffs' application under Order 6 Rule 17 of Civil Procedure Code, 1908 for carrying out amendment in the plaint.

3. Bare reading of order dated 15.09.2017 shows that respondent/original plaintiff has filed application for amendment

of plaint on the basis of Will dated 19.11.2015 whereas the suit was filed by them on 18.12.2014. Considering these facts and as the respondent/original plaintiff wants to bring the subsequent facts on record before trial begin, I do not find any reason to entertain the present writ petition. In any case, in case the order goes against the petitioner, petitioner have right to take appropriate ground in appeal as per Section 105 of Civil Procedure Code, 1908.

4. Hence, writ petition stands rejected.

5. No order as to costs.

(K.K. TATED, J.)