

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3896 OF 2017**

Budha Bhika Chavan

.. Petitioner

Versus

Kartiki Balkrishna Karlekar & Ors.

.. Respondents

Mr. Nitin P. Deshpande for petitioner.

None for the respondents.

CORAM : K.K. TATED, J.

DATE : 22 JANUARY 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 order dated 02.02.2017 passed by the 2nd Joint Civil Judge, Junior Division, Phaltan below Exhibit-51 in Regular Civil Suit No.185 of 2014 allowing respondent/original plaintiff's application under Order VI Rule 17 of Civil Procedure Code, 1908 to carry out amendment in the plaint on the basis of subsequent development.

3. It is to be noted that the trial Court in paragraph 9 of the impugned order specifically recorded that on the basis of subsequent development i.e. Commissioner Report and alleged closing of way by the defendants during the pendency of the suit, it is necessary for the plaintiff to carry out amendment.

4. Considering these facts, I do not find any reason to entertain the present writ petition. If the order goes against the petitioner in the trial Court he can raise one of the ground in Appeal. Hence, writ petition stands rejected.

5. No order as to costs.

(K.K.TATED, J.)