

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1690/2014

Shankarrao B. Salokhe & Anr.

... Petitioners

V/s.

Dipak Balaso Patil & Pol & Ors.

... Respondents

Ms. Manisha Prajapati i/b. S. V. Sadavarte for the Petitioner
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.413 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.)