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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2575 OF 2019

Sewri Nilgiri Udyog Bhavan Co-op. Society Ltd. ..Petitioner.

V/s.

Municipal Corporation of Greater Mumbai & Anr. ..Respondents.

Mr.Prasad S.Dani, Senior Advocate i/b. Yakshay Chheda for the petitioner.

Mr.G.S.Godbole with Ms.Kavita A.Shah for the respondent.

CORAM : M.S.SONAK, J.

DATE : MARCH 26, 2019

P.C.:-

Heard Mr.Dani, learned senior counsel for the petitioner and Mr.Godbole, learned counsel for the respondent.

2. Challenge is to the order dated November 1, 2018 by which learned trial Judge by which learned trial Judge has rejected the Chamber Summons for leave to amend the plaint. Leave to amend the suit was applied for after the trial was concluded and the matter was posted for arguments in the matter.

3. In the aforesaid circumstances, there is no case made out to exercise supervisory jurisdiction under Article 227 of the Constitution of

India. That liberty can always be granted to the petitioner to challenge the impugned order by resorting to the provisions of section 105 of the Code of Civil Procedure, if the suit is decided against the petitioner and the petitioner seeks to appeal against such decree.

4. Accordingly, the petition is disposed of with liberty as aforesaid.

5. There shall be no order as to costs.

6. All contentions of the parties on merits are left open for determination by an appropriate forum at an appropriate stage.

7. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)