

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2408 OF 2019

Husnuddin R. Shaikh .. Petitioner
Versus
Fakir Mohd. Amin Sab and Ors. .. Respondents

Mr. Milind Gyani for petitioner

CORAM : V.L.ACHLIYA, J.

DATE : 27th FEBRUARY 2019.

P.C.

By this petition under Article 227 of the Constitution of India, the petitioner is challenging the order dated 29th October 2018 passed by the respondent No.3. By the impugned order, the respondent No.3 has allowed the application for amendment filed by respondent Nos. 1 and 2.

2] In brief, it is the contention of the learned Counsel for the petitioner that the application was tendered on 29th October 2019 and without giving any opportunity of hearing to the petitioner, the respondent No.3 allowed the application. According to the learned

Counsel for the petitioner, the nature of amendment is such that it changes the nature of reliefs claimed in the appeal filed before the respondent No.3.

3] Having considered the submissions advanced and in the light of the nature of proceedings before the respondent No.3 and the amendment allowed to be carried, I am of the view that no case is made out to call for any interference in the exercise of writ jurisdiction under Article 227 of the Constitution of India. By virtue of the application moved and allowed the respondent No.3 has allowed to raise certain additional grounds and prayer in the appeal. I am, therefore, not inclined to entertain this petition. Accordingly, the petition is dismissed with no order as to costs.

(V.L. ACHLIYA, J.)