

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9799 OF 2016

Shri Vinayak Tukaram Kalyankar & Anr. ... Petitioners.

V/s.

Shri Gulabrao Baburao Karanjule ... Respondent.

Mr. D. S. Sapkale, Advocate for the Petitioners.

Mr. P. D. Dalvi, Advocate for the Respondent.

CORAM : K. K. TATED, J.

DATE : JANUARY 17, 2019.

PC :

1 Heard learned counsel for the parties.

2 By this petition, under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 10th February, 2015 passed by the 4th Joint Civil Judge, J.D., Ulhasnagar, below Exh. 26 in RCS No. 203 of 2010, rejecting the petitioners' (original defendants) application under Order 6 Rule 17 of the Civil Procedure Code for carrying out amendment in written statement and for filing counter claim.

3 Learned counsel Mr. Dalvi, appearing on behalf of the Respondent/ original plaintiff submits that the plaintiff's evidence is already over. He further submits that even examination- in-chief of one more witness is also over and as such the trial has already begun.

4 Considering these facts of the matter, there is no question of entertaining this petition. Hence, the writ petition is rejected.

(K. K. TATED,J.)

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