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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12479 OF 2017**

Ambad Development Company

.....Petitioner

V/s.

M/s. J. K. Builders and Associates
and others

.....Respondents

Mr. Swapnil V. Walve for the Petitioner

Mr. Satyajeet P. Dighe for respondent nos. 1 to 4

Mr. Rupesh L. Lanjekar i/b Murlidhar Patil for respondent no. 6

CORAM : NITIN W. SAMBRE, J.**DATE : OCTOBER 11, 2019.****P.C.**

Heard. Application Exh. 99 is an amendment application moved by petitioner-plaintiff in Suit No. 620 of 2013 being Suit for declaration and injunction.

2 The submissions are, amendment is based on certain documents which were not within the knowledge of petitioner-

plaintiff when the Suit came to be filed. According to him, in any case, amendment will not change the nature of the Suit and that being so, amendment should have been granted subject to certain conditions.

3 If the application for amendment which is produced on record being Exh. 99 is perused, the contents therein are based on events which took place prior to the date of filing of the Suit. In the case in hand, plaint came to be presented on 11/12/2013 and issues were framed on 17/11/2014.

4 In the aforesaid background, the basis formed by the Trial Court for rejection of the application for amendment as for want of due diligence appears to be just and proper. No case for interference is made out. Petition fails, stands dismissed.

[NITIN W. SAMBRE, J.]