

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

WRIT PETITION NO. 6328 OF 2018

Balu Chango Wayle

... Petitioner.

V/s.

Yashwant Ananta Wayle & Ors.

... Respondents.

Mr. Rupesh R. Lanjekar, Advocate for the Petitioner.

Mr. Rajaram P. Lote, Advocate for Respondent Nos.
1(1) to 1(4) and 2.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 23, 2019.

PC :

1 Not on Board. Taken on Board.

2 Heard learned counsel for the Petitioner and the learned counsel for the Respondent Nos. 1(1) to 1(4) and 2, who are the contesting Respondents.

3 By order dated 16th February, 2018, the trial court had allowed the plaintiff's application for amendment. The trial court directed the amendment to be carried out within 14 days from the date of the order. However, there was delay of 15 days in carrying out amendment. The plaintiffs, therefore,

filed an application dated 15.03.2018 below Exh. 192 for extending the time to carry out amendment. The same was rejected by the trial court on 15.03.2018 on the ground that the reasons assigned were not justified. Learned counsel for the Respondents opposed the writ petition.

4 In my opinion, the present writ petition deserves to be allowed. There has been delay of 15 days in carrying out the amendment. For the reasons mentioned in the application and by imposing some cost, the Trial Court could have allowed the amendments to be carried out by extending the time further.

5 Subject to the cost of Rs. 2,500/-, to be paid to Respondent Nos. 1 and 2, the application below Exh. 192 is allowed. Time to carry out amendment is extended by a further period of two weeks from today. Amendment to be carried out within two weeks from today.

6 Impugned order dated 15.03.2018 is set aside.

7 Petition is allowed accordingly.

(M. S. KARNIK, J.)

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