

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 12086 OF 2015***

Shri. Gangadhar Bhavrao Zalte ... Petitioner

$$V_S$$

Shri. Bhavrao Shivarm Zalte &amp; Ors. ... Respondents

Mr. Amey Sawant i/b. Suresh M. Sabrad, Advocate for the  
Petitioner.

**CORAM : SANDEEP K. SHINDE J.**

DATE : August 14<sup>th</sup>, 2019

P.C. :

1. Heard learned counsel for the petitioner. Petitioner is the plaintiff in Regular Civil Suit No. 60 of 2012. His request to amend the plaint has been declined by the Trial Court on 08.04.2015, having found that the proposed amendment would lead to change in the character of the suit. Another ground on which the Trial Court refused to grant leave to amend the plaint is that the application was moved after the cross-examination of the defendants.

2. The order impugned is well reasoned and therefore no interference is called for. The petition is rejected.

3. It is against the inter-locutory order, this petition is preferred. The impugned order is non-appelable order. However, the petitioner may take objection to error or irregularity of the impugned order in the Memorandum of Appeal filed from the original decree, if the impugned order has affected the decision of the case.
4. In view of the liberty granted, the petition is dismissed with no order as to costs.

**(SANDEEP K. SHINDE, J.)**