

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13697 OF 2017

Pandurang S. Bidgar and anr. .. Petitioners
vs.
Machindra Y. Pachange and ors. .. Respondents

Mr. Sumit V. Khaire for the Petitioners.

CORAM : M. S. SONAK, J.
DATE : 27 MARCH 2019.

P.C. :-

1] Heard Mr. Khaire, the learned counsel for the petitioners.

2] The challenge in this petition is to the order dated 22nd August 2017 made by the learned Trial Judge granting leave to the respondents – defendants to amend their written statement.

3] Mr. Khaire, learned counsel for the petitioners, points out that this amendment was permitted long after the trial commenced in the suit. He submits that the respondents did not explain as to why they were not diligent not seeking amendment earlier. He submits that on these grounds, the impugned order warrants interference.

4] According to me, this is not a fit case to exercise supervisory jurisdiction under Article 227 of the Constitution of India. In case, the petitioners are aggrieved by the impugned order, the petitioners can always challenge the same by resort to the provisions of section 105 of CPC once the suit is disposed of. Any interference with the impugned order, at this stage, will only result in further delay in disposal of the suit.

5] For the aforesaid reasons, this petition is dismissed, but with liberty to the petitioners to challenge the impugned order, as and when, occasion arises by resort to the provisions of section 105 of the CPC.

(M. S. SONAK, J.)