

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.845 OF 2019

(SMT. MEENA PANDHARINATH TULASKAR & OTH...VS.. PRAVEEN RAJARAMJI POTE & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 14, 2019.

None appeared for the petitioners on 6th February 2019, the matter was adjourned. In the morning session today, none appeared for the petitioners, the matter was kept back. In the afternoon session when the matter is called out, again none appears for the petitioners.

The original defendants have filed this petition to challenge the order passed by the trial Court by which the application (Exh.34) filed by them under Order VI Rule 17 seeking permission to amend the written statement is dismissed.

In paragraph No.5 of the impugned order, the learned trial Judge has observed that by the proposed amendment, the defendants are not seeking to bring on record any new facts, but the proposed amendment is in the nature of summing-up of the defence of the defendants. The learned trial Judge has further recorded that the application (Exh.34) is filed after commencement of the trial i.e. after the affidavit in lieu of the examination-in-chief of the plaintiffs' witness is filed.

In the petition, the petitioners/defendants have not been able to point out that the impugned order suffers from any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. No costs.

JUDGE

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