

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

WRIT PETITION NO. 2647/2019

Savitribai Fule Prathamik School Karanja Lad
..VS..
Municipal Council

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

Court's or Judge's orders

Shri A.D. Girdekar, Advocate for the petitioner
Shri P.P. Deshmukh, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 26/06/2019

Heard.

The original plaintiff has challenged the orders passed by the learned trial Judge on the applications (Exh. 67 and Exh. 38). The application (Exh. 38) was filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure seeking permission to amend the plaint. This application was dismissed by the order dated 04/10/2018. Again, same prayer was reiterated by the plaintiff by the application (Exh. 67). This application (Exh. 67) is dismissed on the ground that similar application (Exh. 38) was dismissed earlier. Now, in this petition, the plaintiff attacks the order passed on the application (Exh. 38).

After going through the impugned order, I find that there are no bonafides on the part of the plaintiff and the applications are moved by the plaintiff only to protract the matter. By the proposed amendment, the plaintiff is seeking

to come out with contradictory pleadings and the learned trial Judge has rightly refused permission to effect such amendment. The impugned orders are just and proper and it cannot be said that the learned trial Judge has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari