

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

WRIT PETITION NO. 4025/2019

Nagar Parishad, Gadchiroli

..VS..

M/s. B.K. Suramwar & Co.

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

Court's or Judge's orders

Shri G.N. Khanzode, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 13/06/2019

Heard.

The original defendant has challenged the order passed by the trial Court by which the application (Exh. 28) filed by the plaintiff seeking permission to amend the plaint is allowed. Initially, the plaintiff filed the suit for declaration and injunction seeking directions against the defendant (Nagar Parishad) to open commercial envelope submitted by the plaintiff to consider its bid while finalizing the tender. The plaintiff had filed the application praying for temporary injunction in the same terms. The trial Court had granted temporary injunction in favour of the plaintiff. The matter had come to this Court and this Court had set aside the order passed by the trial Court. While deciding the writ petition, this Court observed that denial of temporary injunction in favour of the plaintiff would not result in irreparable loss to the plaintiff as he can claim compensation. After disposal of the writ petition, the plaintiff filed the application (Exh. 28) seeking to amend the plaint and incorporate the claim for

compensation. This application is allowed by the impugned order.

The contention of the petitioner is that there are no bonafides and due diligence on the part of the plaintiff and though this Court directed that the party whose tender is accepted, should be impleaded as defendant to the civil suit, the plaintiff has not impleaded that party as defendant in the civil suit but has chosen to file the application (Exh. 28).

In my view, this submission is not relevant for considering the legality of the order passed on the application (Exh. 28). On merits, I find that the learned trial Judge has not committed any error of jurisdiction by allowing the plaintiff to amend the plaint and incorporate the claim for compensation. I do not find any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

JUDGE

Ansari