

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

WRIT PETITION NO.4778 OF 2019

(LALITABAI RAVISHANKAR TANDEKAR & OTH...VS..SHEELABAI RAVISHANKAR TANDEKAR &
OTH.)

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

Court's or Judge's orders

Shri K.S.Motwani, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : JULY 16, 2019.

Heard.

Original non-applicant Nos.1 to 3 have challenged the order passed by the trial Court by which application (Exh.61) filed by the respondent Nos.1 to 3 (original applicants) seeking permission to amend the application filed by them under Section 372 of the Indian Succession Act, is allowed. The submission on behalf of the petitioners is that the application (Exh.61) was filed by the respondent Nos.1 to 3 after the trial concluded and was at the stage of the judgment and the respondent Nos. 1 to 3 failed to show that in spite of due diligence it was not possible for them to bring on record the facts which they are seeking to bring on record by the application (Exh.61).

After going through the impugned order, I find that the learned trial Judge has dealt with this aspect in paragraph No.2 of the impugned order, and considering the nature of the controversy has rightly overruled the technical objection raised on behalf of the petitioners (non-applicant Nos. 1 to 3). 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 extraordinary writ jurisdiction.

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

JUDGE

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