

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

WRIT PETITION NO. 4998/2019

Punamdevi A. Loungani

..VS..

Ku. Laxmi C. Goplani & ors.

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

Court's or Judge's orders

Shri P. A. Gode, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 22/07/2019

Heard.

The original defendant no. 2 has challenged the order passed by the trial Court by which the application (Exh. 315) filed by her under Order 14 Rule 5 of the Code of Civil Procedure praying that additional issue be framed, is dismissed. The application (Exh. 315) is dismissed on the ground that it is moved after recording of evidence is over and the arguments by the advocate for the plaintiff have concluded. The learned trial Judge has recorded that the application appears to have been moved only to protract the matter and there are no bonafides, and costs of Rs. 5,000/- are saddled on the defendant no. 2.

After considering the material placed on record of the petition, I concur with the conclusions of the learned trial Judge. I find that the learned trial Judge has rightly exercised the jurisdiction vested in him and has not committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

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

JUDGE