

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7406/2018

Shri Sumeet Babulalji Bhangе
Vs.
Shri Niraj Jugalkishor Sarda

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N.R.Bhishikar, Advocate for petitioner.
Shri A.Shelat, Advocate for respondent sole.

CORAM : A.S.CHANDURKAR, J.

DATED : June 21, 2019

The original defendant is aggrieved by the order passed by the trial Court below Exhibit 89 allowing the application for amendment moved by the original plaintiff.

Heard learned counsel for the parties and perused the pleadings.

Though it is sought to be urged on behalf of the petitioner that the pleadings as sought to be brought on record were within the knowledge of the plaintiff and hence the amendment is uncalled for, it is seen that by way of the said amendments further reference is being made to certain aspects that were initially pleaded and which pleadings are based on exhibited documents on the record. The renewal of the lease in favour of the plaintiff after filing of the suit was also sought to be brought on record. According to the defendant, same is not necessary in the light of the reliefs sought in the suit. Since the defendant has challenged the

title of the plaintiff and is claiming title for himself, the plaintiff has thought it fit to amend the plaint.

The trial Court having been satisfied that such amendment was necessary, there is no jurisdictional error found in the impugned order. Hence, there is no reason to interfere with impugned order. The writ petition is therefore dismissed. No costs.

Proceedings in R.C.S.No.236/2013 are expedited.

JUDGE

Andurkar.