

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

WRIT PETITION NO.6733/2019

Nemichand s/o Punamchand Sancheti and others

Vs.

Smt. Savitribai wd/o Bhairulal Varma and others.

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

Court's or Judge's Orders.

Shri D.R.Khapre, Advocate for petitioners.

CORAM : A.S.CHANDURKAR, J.

DATED : NOVEMBER 14, 2019

An order passed by the appellate Court below Exhibit 38 rejecting the application for amending the written statement at the appellate stage is under challenge.

Heard Shri D.R.Khapre, learned counsel for the petitioners and perused the proposed amendment.

It is seen that the petitioners herein seek to rely upon the adjudication of the earlier proceedings between the parties. The appellate Court has observed that such pleadings indicating the nature of defence are already incorporated in the written statement. Considering the fact that earlier proceedings were decided much prior to initiation of the present proceedings, no fault could be found with the order passed by the appellate Court refusing permission to amend the written statement.

Needless to state that it is always open for the defendants to rely upon the adjudication of the earlier proceedings while defending the present proceedings. The writ petition is therefore dismissed. No costs.

JUDGE

Andurkar.