

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 815 OF 2019

Sou. Manini Jitendra Jadhav and Ors. ... Petitioners.

V/s

Jitendra Uttamrao Jadhav and Ors. ... Respondents.

Mr. Umesh Mankapure for the Petitioners.

Mr. Avinash Patil for Respondent No.3.

CORAM : A. S. GADKARI, J.

DATE : 12th MARCH, 2020

P. C. :

1. The petitioners have impugned Order dated 19th November 2018 passed below Exhibit-164 in Special Civil Suit No.96 of 2011 by the IIIrd Joint Civil Judge Senior Division, Sangli, thereby allowing application for amendment in written statement under Order 6 Rule 17 of the Code of Civil Procedure filed by the respondent Nos.3 to 5/original defendant Nos.3 to 5.

2. Perusal of record would indicate that, the said application was filed by the respondent Nos.3 to 5 at pretrial stage in the suit instituted by the petitioners. By the said amendment in written statement, the respondent Nos.3 to 5 intends to bring on record bare fact i.e. execution of Will Deed by respondent No.2 i.e. father in law of the petitioner No.1 and other related facts which are necessary for just decision of the suit instituted by the petitioners.

No legal harm or prejudice would be caused to the petitioners, if

defendants are permitted brought on record the Will deed executed by respondent No.2 by way of amendment.

3. It appears from the record that, the respondents have in fact, placed before the Court all the necessary and relevant facts without concealing or suppressing it and therefore the Trial Court has rightly allowed their application for amendment in their written statement.

In view of the above, this Court finds that, Trial Court has not committed any error while allowing application by its impugned Order.

4. The Petition being de hors of merits, is accordingly dismissed.

(A. S. GADKARI, J.)