

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11031 OF 2019

Ramashankar Ramdev Pandey ... Petitioner.

V/s

Municipal Corporation of Greater Mumbai
and Anr. ... Respondents.

Mr. Awadhesh R. Pandey for the Petitioner.

Ms. Oorja Dhond for the Respondents (MCGM).

CORAM : A. S. GADKARI, J.
DATE : 28th FEBRUARY, 2020

P. C. :

1. By the present Petition, the petitioner has impugned Order dated 7th August 2019 passed by the learned Judge, City Civil Court, Mumbai in Chamber Summons No. 10 of 2019 in L.C. Suit No. 2173 of 2012, thereby rejecting the said Chamber Summons for amendment of the plaint.

2. The record indicates that, the petitioner filed aforestated L.C. Suit No. 2173 of 2012 in the month of August 2012. The alleged documents on which the petitioner now wants reply and to incorporate by way of pleadings in the plaint were obtained by him on 22nd August 2012 under Right to Information Act, 2005.

3. A bare perusal of application for amendment of the plaint and affidavit in support of Chamber Summons would clearly indicate that, the petitioner has failed to make out any case and even there is no basic

pleadings to the effect that, despite due diligence the petitioner could not produce the documents at the time of filing of the suit.

As there is total absence of basic pleadings in support of the case of the petitioner for granting permission to amend the plaint, I find that the Trial Court has rightly rejected the said Chamber Summons by its impugned Order.

4. I find no merits in the Petition, Petition is accordingly dismissed.

(A. S. GADKARI, J.)