

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1316 OF 2019

Umesh Hanumant Shirodkar	...	Petitioner
Vs.		
Smt.Mangal Hanumant Shirodkar & Ors.	...	Respondents

Mr.Sushil Inamdar for Petitioner.
Mr.V.S. Shastry for Respondent Nos.1 and 7.

CORAM : A.S. GADKARI, J.
DATE : 9th March 2020.

PC. :

1] By the present Petition under Article 227 of the Constitution of India, the petitioner/original plaintiff has impugned Order dated 13th August 2018 passed below Exhibit-46 in Regular Civil Appeal No. 24 of 2016, rejecting his application for amendment of plaint.

2] Heard Mr.Inamdar, learned counsel for the petitioner and Mr.Shastry, learned counsel for the respondent Nos.1 and 7. Perused the entire record annexed to the Petition.

3] The record indicates that, the petitioner had preferred Regular Civil Suit No. 78 of 2007 and the respondents had preferred Regular Civil Suit No. 91 of 2005. The Trial Court by a common Judgment and Order dated 16th

December 2015 was pleased to decree Regular Civil Suit No. 91 of 2005 filed by the respondents and was pleased to dismiss the Regular Civil Suit No. 78 of 2007 filed by the petitioner. The petitioner therefore preferred Regular Civil Appeal No. 24 of 2016 which is pending for 'Final Adjudication' on the file of the Principal District Judge, Sindhudurg-Oros. In the said appeal, the petitioner filed aforestated application below Exhibit-46 for amendment of plaint. As noted earlier, the same has been rejected by the Appellate Court by its impugned Order dated 13th August 2018.

4] A bare perusal of the application preferred by the petitioner for amendment of plaint in Regular Civil Suit No. 78 of 2007 would indicate that, by the said amendment, the petitioner intends to change the basic structure and nature of the suit. Apart from the fact that, the said application is moved by the petitioner with an inordinate delay, as per the submission of Mr. Shastry, learned counsel for the respondents, the said Appeal is now kept for pronouncement of Judgment.

5] In view of the above, I find no merits in the Petition.

Petition is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]