

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4430 OF 2021

The oriental Insurance Company Ltd., Chandrapur, Through Manager

Vs.

Sanjay Raghunath Wankhede and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Lalit Limaye, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/12/2021

Heard Mr. Limaye, learned counsel for the petitioner, who challenges the impugned order dated 16.09.2021 by which, the application for amendment of written statement was filed after DW 1 was examined by the petitioner. The application, has been rejected on the ground that it is filed at a belated stage and to cure the lacuna, which was not permissible. Mr. Limaye, learned counsel for the petitioner submits that the application can be filed at any time and reliance is placed upon *Baburao s/o Sahebrao Deshmukh Vs. Maharashtra Insecticides, 2004 (2) Mh LJ 717*, in support of the said contention.

2. In my considered opinion, the impugned order will have to be sustained, as it records that the plea which is now sought to be raised, was throughout available to the petitioner, in spite of which, it has not been so done and now it cannot be permitted as it would

amount to setting the clock back. Reliance was placed on ***Baburao s/o Sahebrao Deshmukh*** (supra) is of no assistance to the learned counsel for the petitioner for the reason that it deals with a situation prior to the amendments of Order VI Rule 17 of the Code of Civil Procedure.

3. The petition is without any merit and is dismissed. No costs.

JUDGE

Sarkate