

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

WRIT PETITION NO. 5059/2021

Abdul Alim Abdul Rashid ...Versus... Mohd. Arshad Wasik Ahamed and ors

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

Court's or Judge's orders

Mr. Sameer Khan, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/12/2021

Heard Mr. Khan, learned counsel for the petitioner. The petition challenges the order dated 25.10.2021, passed by the learned Trial Court below Exh. 65, an application under Order 6 Rule 17 of CPC for amendment of the written statement, which came to be rejected by the Trial Court. Learned counsel for the petitioner submits that the impugned order suffers from non-application of mind and the learned Trial Court ought to have considered that the amendment was necessary for deciding the lis and ought to have allowed the same.

A perusal of the impugned order demonstrates that the application for amendment of written statement came to be filed when the matter was fixed for final argument. That apart, the learned Trial Court observed in para 12 that the petitioner/defendant had knowledge about the alleged Will in the year 2014 itself, in spite of which no attempts were made whatsoever

for amending the written statement, considering which I do not see any infirmity in the impugned order. The petition is therefore without any merits and is dismissed.

JUDGE

rvjalit