

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5440 OF 2019

Babasaheb Karbhari More

.. Petitioner

Versus

Rajani Vinayak Hadap and another

.. Respondents

Shri Vishal S. Badakh, Advocate for the Petitioner.

Shri D. R. Markad, Advocate for the Respondent No. 1.

Shri C. K. Shinde, Advocate for the Respondent No. 2.

CORAM : SANDEEP V. MARNE, J.

DATE : 07TH DECEMBER, 2022.

FINAL ORDER :

. Petitioner is challenging order dated 23rd January, 2018 passed by the Joint Civil Judge Junior Division, Rahuri rejecting petitioner's application for amendment of written statement.

2. Suit is filed by the plaintiffs for redemption of mortgage deed and for injunction. The petitioner/defendant filed written statement on 30.04.2013 raising various defences. The evidence of the plaintiff was recorded and the same is closed on 02.11.2017. At such a belated stage, application for amendment of written statement was filed on 02.11.2017.

3. Perusal of the amendment application would show that no attempt is made to demonstrate that even after due diligence, the petitioner could not bring the amended averments on record

before commencement of the trial. Application is filed in casual manner without explaining or offering any justification for delay in filing application. Therefore, it appears that the real intention behind filing amendment application was to delay the suit. The Trial Court, in my view has rightly rejected petitioner's application for amendment. Petition is devoid of merits and the same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22