

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO.10694 OF 2021

BHAGWAN PITAMBAR KAPURE
VERSUS
AMINBHAI ILIASBHAI BOHARI (SHAMSI)

...

Advocate for Petitioner : Mr Tapan Kishor Sant

CORAM : SANDEEP V. MARNE, J.
DATE : 22nd NOVEMBER, 2022

PER COURT :

1. Petitioner has filed the present petition challenging the order dated 25.06.2020 passed by the Civil Judge, Junior Division, Dondaicha on application below Exh. 31 by which, petitioner's application for amendment has been rejected.

2. The application for fixation of standard rent pertains to the year 2012. The trial therein commenced in the year 2016 with petitioner filing the affidavit of evidence. On 13.08.2019, petitioner moved an application for amendment of the application. In that application, no reasons are cited as to why the application was being moved after commencement of the trial nor it contended in the statement cited therein. There was absence of due diligence on the part of petitioner in moving the application. The application appears to have been moved in a casual manner. The application was resisted by the respondent on the filing affidavit in reply. The trial court has proceeded to reject the application by order dated 20th June, 2020. The main reason for rejecting the application for amendment for inordinate delay of nine years in moving the same.

3. In the light of this situation, it was incumbent for petitioner to give some justification in the application as to why the amendment was sought after such huge delay.

4. I have also gone through the proposed amendment and find that the averments were sought to be added without reference to any specific dates and events. It cannot be stated that amendment was necessitated on account of any subsequent event.

5. In my opinion, the trial court has rightly rejected the application for amendment.

6. Petition is devoid of merits and the same is dismissed without any order.

[SANDEEP V. MARNE, J.]

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