

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 1699 OF 2022

SHRI. RAMDAS KRUSHNA KADAM

....PETITIONER

V/s.

**SHRI. SANJAY BHAGWAT KADAM
AND ORS**

.....RESPONDENTS

Mr. Kirankumar Phakade for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 21, 2022.

P.C.:

- 1) In a Suit for declaration and cancellation of measurement dated 25/09/2009 initiated in 2009, prayer of the Petitioner for grant of amendment seeking insertion of case of tenancy is rejected vide impugned order dated 29/11/2021 passed below Exh. 106.
- 2) The submissions of learned counsel for the Petitioner are, even if the trial in the Suit has reached at an advance stage, incorporation of pleadings by way of amendment is only for the purpose of elaboration of the existing pleadings.

- 3) With the assistance, I have perused and compared the Plaint and nature of pleadings sought to be inserted.
- 4) Having appreciated the same, I concur with the findings recorded by the Court below on the issue of Suit has reached at an advance stage and the nature of the amendment cannot be termed to be only amplification of the existing pleading but the Petitioner-Plaintiff has sought to insert an altogether new case.
- 5) As such, no case for interference is made out. Petition stands dismissed.

[NITIN W. SAMBRE, J.]