

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION 3057 OF 2020

Shri Chandrakant Gopala Davare ... Petitioner
Versus
Shri Pandurang Namdeo Shirsat and Ors. ... Respondents

Mr. R. R. Salvi i/by Ms. Suvarna Telgote for the Petitioner.
Mr. G. R. Kulkarni for the Respondent 1.

CORAM: ROHIT B. DEO, J.
DATE : 27th JULY, 2022

P.C. :-

. The challenge is to the order of the learned Trial Judge dated 19th December, 2018 in Regular Civil Suit 62 of 2012 whereby the application preferred by the defendants under Order VI, Rule 17 of the Code of Civil Procedure, 1908 (for short 'Code'), is rejected.

2. Interestingly, on identical facts two brothers filed separate suits. The defendants are the same. In both the suits identically worded applications were preferred under Order VI, Rule 17. The suits are pending in different Courts. The learned Trial Judges took diametrically opposite views. In the suit preferred by the brother of the respondents in the present petition, the learned Trial Judge allowed the amendment application, which order I have set aside while deciding Writ Petition 12747 of 2016. In the present matter, the learned Trial Judge disallowed the same amendment on the touch stone of the proviso of Order VI, Rule 17 of the Code and it is the defendants who

are challenging the said order in writ jurisdiction.

3. For reasons recorded in order dated 27th July, 2022, which disposes of Writ Petition 12747 of 2016, the petition is dismissed.

[ROHIT B. DEO, J.]