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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5433 OF 2022**

Shri Sanjiv Shankar Ghorpade and Anr. Petitioners

V/s

Hupari Nagarparishad

Through

its Chief Officer

.... Respondent.

Mr. Pradeep D. Dalvi for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: MAY 02, 2022

P.C.:-

1] Heard.

2] In a suit for declaration and permanent injunction, prayer for amendment moved by the Petitioner is rejected vide impugned order dated 11/4/2022.

3] Mr. Dalvi, Counsel for the Petitioner would urge that amendment is prayed based on subsequent development and to avoid multiplicity of litigation. So as to substantiate the same, he has invited attention of this Court to the pleadings in the plaint and amendment sought.

4] Appreciated the submissions.

5] Trial Court while rejecting the prayer for amendment has noticed that suit has travelled at an advance stage and the Petitioner has failed to satisfy the test of due diligence. In addition to above, it is worth to observe that the Petitioner has tried to insert altogether different case than one he was contesting in the original plaint.

6] In view of above, no case for interference is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)