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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 7070 OF 2019

**SHRI. CHANDRAKANT RAYAPPA
PIRKANE**

....PETITIONER

V/s.

**SAU. CHAMPABAI APPASO BED
KIHLE AND ORS.**

....RESPONDENTS

**Mr. Mithun Mahajan Advocate for the Petitioner
None for the Respondent**

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 11, 2022.

P.C.:

1) Prayer of the Petitioner-Defendant in Suit for partition for amendment of written statement is rejected vide impugned order dated 14/02/2019 passed below Exh. 104.

2) The submission is, in view of the status of the parties who holds interest in common over the suit property, the amendment sought is in the interest of parties to the Suit for effectively deciding

the issues canvassed.

3) I have appreciated the said submissions. Evidence of the Plaintiff is already concluded. The stage at which whereby incorporating additional properties mentioned in the amendment to be added in the pleadings being ancestral properties. Such facts cannot be said to be not within the knowledge of party asserting it. Such pleadings which are sought to be incorporated are at an advance stage of the Suit as stated herein above must satisfy the test of due diligence.

4) Petitioner has not satisfied the test of due diligence and trial in the Suit is already at advanced stage. That being so, no case for interference is made out. Petition as such fails, stands rejected.

[NITIN W. SAMBRE, J.]