

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.22 OF 2022
WITH
INTERIM APPLICATION NO.264 OF 2022

Mohammad Hidayat Ali Khan .. Applicant
Versus
Farida C. Pajniger .. Respondent

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Mr.Ramiz Shaikh with Ms.Dipti Karadkar for the Applicant.
Mr.Kaustubh Patil for the Respondent No.1.

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CORAM: RAVINDRA V. GHUGE, J.
DATED : 21st JANUARY, 2022

P.C:-

1. By this Civil Revision Application, the applicant/original defendant No.2 in Civil Suit No.445 of 2018 filed before the learned Small Causes Court at Pune, is aggrieved by the order dated 20/08/2021 by which, the plaintiff is permitted to carry out an amendment and is also directed to suffer cost of Rs.1,000/-.

2. The learned Advocate for the applicant has strenuously canvassed the grounds formulated in this application for challenging the interim order. He contends that the suit was almost three years old when application (Exh.44) was filed on

25/02/2021. By the said application, subsequent events and filing of a new suit by one of the parties was also sought to be brought on record. However, the subsequent suit bearing No.25 of 2019 was filed in 2019 and yet, the plaintiff was not diligent in seeking leave to amend with promptitude. He, therefore, strenuously prays that this Civil Revision Application be allowed and the impugned order be quashed and set aside.

3. The learned Advocate for the plaintiff supports the impugned order on the basis of the contents set out in application (Exh.44).

4. I find from the record that the suit has been instituted in 2018. The subsequent events have occurred from 2019 onwards. There can be no dispute that a new suit filed by defendant Nos.1A to 1D, bearing No.25 of 2019, may have come to the knowledge of the plaintiff earlier. However, the pending proceedings are only three years' old and it cannot be said that there is an inordinate delay in seeking amendment.

5. Considering the above and the detailed reasons assigned by the learned 6th Additional Small Cause Judge, while allowing application (Exh.44), I do not find that these reasons can be termed as perverse and erroneous.

6. In view of the above, the Civil Revision Application is rejected.

7. The pending interim application would not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)