

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed by
BHARAT
DASHARATH
PANDIT
Date: 2022.02.22
19:43:01 +05:30

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1711 OF 2022**

KASHINATH NIVRUTTI MANDLIK & ORS

....Petitioners

V/s

MIRABAI SOMNATH BHARITKAR & ORS

.....Respondents

Mr. P. S. Dani, Senior Advocate a/w Mr. Ganesh Bhujbal for the
Petitioners.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022

P.C.:-

1] The order impugned is passed under Order VI, Rule 17 of the Civil Procedure Code below Exhibit 205, whereby in view of subsequent development, prayer for amendment and transposition is allowed.

2] Contention of Mr. Dani, learned Senior Counsel appearing for the Petitioners is, Court below exceeded its jurisdiction in granting amendment, permitting incorporation of such pleadings which results into interpretation of settlement arrived at between the parties to the suit.

3] According to Mr. Dani, amendment is at belated stage and ought not to have been granted.

4] I have appreciated the said submissions.

5] The entire amendment is based on subsequent development that has occurred during pendency of suit. Trial Court in such a background was of the considered view that amendment, as prayed, needs to be granted.

6] Since the amendment granted is in the form of pleadings, Trial Court has already observed that the Petitioners will get their chance to counter the said pleadings. That being so, keeping intact right of the Petitioners to that extent, I hardly see any reason which warrants interference in the impugned order. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)