

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

WRIT PETITION NO. 1461 OF 2022

Shri. Ashok Devidas Chaudhari

..Petitioner

Versus

Shri. Shriram Makadu Chitte and Anr.

..Respondents

Mr. Girish R. Agrawal, for the Petitioner.

Mr. Harsh Nishar i/by Mr. Amey Deshpande, for the Respondent
No.1.

CORAM : NITIN W. SAMBRE, J.

DATE : 17th FEBRUARY, 2022

PC.

1. Application Exh.23 for amendment of written statement moved at belated stage is turned down vide impugned order dated 17th September, 2021. As such, this petition.

2. Contentions of Mr. Girish Agrawal, learned counsel appearing for the petitioner/defendant are, the issue of hardship is already pleaded, however, same is required to be strengthened based on the subsequent development viz. occupation of son, financial hardship etc.

3. According to him, in view of above, the respondents/plaintiffs/decreed holders will not be taken by surprise and as such the Court should have permitted the petitioner to

amend his written statement.

4. Prayer made is opposed.

5. I have appreciated the contentions.

6. The written statement at Exh.22 already speaks of issue of hardship. The same perhaps is already looked into and can be supported and substantiated by existing evidence while arguing the appeal. As far as the subsequent developments are concerned, those are hardly of any significance for adjudicating issue which are raised in the suit through rival pleadings.

7. That being so, prayer for grant of amendment to the written statement at appellate stage is rightly rejected.

8. No case for interference in the extraordinary jurisdiction of this Court is made out.

9. The petition as such stands dismissed.

[NITIN W. SAMBRE, J.]