

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

WRIT PETITION NO.10303 OF 2011

Sou. Madumati Ananda Magdum ..Petitioner
Versus
Shri. Santosh Vishwanath Paramane ..Respondent

Mr. Umesh Pawar, for the Petitioner.
Mr. Sachinkumar P. Rajepandhare, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th APRIL, 2022

PC.

1. Heard.

2. In the Special Civil Suit No.69 of 2006 initiated by the petitioner/plaintiff, prayer for amendment of written statement vide Exh.46 moved by the respondent/ defendant came to be allowed on 1st October, 2011. As such, this petition.

3. The submissions are, amendment to the written statement is not required for deciding the issues which are involved and there is absence of due diligence as the application is moved and granted after the trial has commenced.

4. I have appreciated the said submissions.

5. It is to be noted that the amendment to the written statement is required to be considered and dealt with liberally. Considering the nature of amendment which is already incorporated in the written statement, I hardly see any reason which warrants interference in the order impugned, particularly when no prejudice could be noticed to the petitioner by grant of amendment.

6. Apart from above, it is to be noted that the Court below has already directed payment of cost of Rs.100/-, which in my opinion, is required to be enhanced to Rs.2,000/- to be deposited by the respondent/defendant in the pending suit within a period of four weeks from today, to which the petitioner will be entitled to withdraw. In that view of the matter, no case for interference is made out.

7. The petition as such stands dismissed.

[NITIN W. SAMBRE, J.]