

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4576/2022

Chimanbhai Gopalji Dhruv (Deceased) Through L.Rs. Nitin s/o Chimanbhai
Dhruv (Malkan) and others
...Versus...
Jaiprakash s/o Gokuldasji Kalantri

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri M.P. Dhruv, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/08/2022

1. Heard Shri Dhruv, learned counsel for the petitioners. The petition challenges the order dated 15/03/2022, whereby the application for amendment of the written statement at the appellate stage on the ground that the landlord had filed a Special Civil Suit No.23/2017, claiming right in 23 properties, as listed therein and therefore claiming that there was no bonafide need with the landlord, has been rejected on the ground that it has been filed at the stage of argument.

2. I do not see any infirmity with the impugned order, more so, for the reason that the certified copy of the

plaint in Special Civil Suit No.23/2017 has already been placed on record, in which there is mention of the various properties and in the say given by the respondent he has not disputed the filing of the special civil suit and its contents. That being the position, it would be permissible for the Appellate Court to look into the plaint in Special Civil Suit No.23/2017 as it is an undisputed document before it and therefore there is no need to amend the written statement. The writ petition is accordingly dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar