

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

WRIT PETITION NO. 3567 OF 2022

Ramvriksh Badlu Chauhan --Vs.-- Sanjay Ravriksh Chauhan and anr

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

Court's or Judge's orders

Mr. A.V.Khare, Advocate for petitioner
Mr. S.B.Tiwari, Advocate for Respondent No. 2

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/08/2022

1] Heard Mr. Khare, learned counsel for the petitioner and Mr. Tiwari, learned counsel for the respondent No.2.

2] None appears for Respondent No.1, though served.

3] The petition challenges the order dated 22.4.2022 passed by the learned trial Court, by which application under Order 6 Rule 17 of C.P.C. below Exh. 29 filed by the petitioner/plaintiff at the stage when the written statement of defendant No.2 was not yet on record, has been rejected on the ground that it changes the nature of the suit (pg 111).

4] Since the suit is at a nascent stage, considering that the written statement of defendant no. 2 is yet to be filed on record and the application for

amendment seeks to bring on record events subsequent to the filing of the suit, I do not see any reason why the application should not be allowed, considering which in spite of the opposition by the learned counsel for respondent No.2, the impugned order dated 22,04.2022 passed below Exh.29 is hereby quashed and set aside and the application below Exh. 29 is allowed.

5] The petition is allowed in above terms. No costs.

JUDGE

Rvjaliit