

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

WRIT PETITION NO.2959/2022

Shri Satyanarayan S/o Shaligram Rede

...Versus...

Shri Satish S/o Wasantrao Mehkare and another

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

Court's or Judge's orders

Shri K.B. Zinjarde, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/08/2022

1. Heard Shri Zinjarde, learned counsel for the petitioner. The petition challenges the order dated 16/12/2019, whereby the application for amendment of the written statement filed by the original defendant in the first appeal has been rejected.

2. It is contended that the proposed amendment is a denial of the execution of an agreement of sale at Exh.29, which was produced during the stage of the evidence of the plaintiff, hence, the amendment would be necessary.

3. It is not disputed by the learned counsel for the petitioner that the plaintiff had produced the agreement at

Exh.29, during the cross-examination of the defendant/petitioner and during his cross-examination, the signature on the document has been denied. It is permissible in law, for the opposite party to confront the witness with the document during the course of his cross-examination and that being so done, the question of any amendment to the written statement at the appellate stage does not arise as the execution of the document has been denied. I, therefore, do not find any merit in the present writ petition. The same is accordingly dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar