

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

WRIT PETITION NO.4914/2022

Atul S/o Rameshrao Wanode Through Power of Attorney Rameshrao Bhauraoji
Wanode
...Versus...
Dr. Mangesh S/o Dattatraya Tipnis and others

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

Court's or Judge's orders

Shri S.L. Kotwal, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 18/08/2022

1. Heard Shri Kotwal, learned counsel for the petitioner.
2. The petition challenges the order dated 03/02/2022, by which the application for amendment of the plaint has been allowed. It is an admitted position that the issues are yet to be framed, considering which, the proviso to Order VI Rule 7 of the Code of Civil Procedure would not be attracted and the plaintiff would be entitled to amend the plaint. It is not as if that by allowing the amendment, the averments are held to be proved. The defendant will have an equal chance to file an additional written statement or amend

the written statement consequentially. That being the position. I do not see any reason to interfere in the impugned order. The writ petition is therefore dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar