

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 181 OF 2022

(Shri Jagannath s/o Rajaram Diwane and others ..vs. Shri Uttam s/o Pundlik Dhurandhar)

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

Court's or Judge's orders

Mr. K.P. Sadavarte, Counsel for the petitioners.

CORAM : ROHIT B. DEO, J.

DATED : 13-01-2022

The trial in Regular Civil Suit 24/2014 has commenced.

2. The evidence of the plaintiff is complete and the suit is fixed for the evidence of the defendants.

3. At this stage, the defendants preferred an application purportedly under Order VI Rule 17 of the Civil Procedure Code (Code) proposing to amend the written statement. The explanation given in the application is that the backdrop of the litigation is several other litigations and the written statement needs to be amended to incorporate reference to the said litigation and the orders rendered therein.

4. In the entire application, there is no attempt made to show that despite due diligence, the defendants could not have made the reference to the litigation in the pleadings.

5. Apart from the fact, that in view of the proviso to Order VI Rule 17 of the Code, the amendment cannot be allowed merely on the askance of the litigant, since the trial has commenced, I find that the defendants are not likely to be seriously prejudiced. If there are orders or judgments rendered, which bind the parties, there are ample provisions in law, which can be taken recourse to, notwithstanding that the written statement does not make any specific reference to the decision or judgment.

6. The petition is dismissed.

JUDGE

adgokar