

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

WRIT PETITION NO.4559/2022

Sharad son of Pandharinath Duragkar

...Versus...

Nagpur Improvement Trust, Head Office at Station Road, Sadar, Nagpur
through its Chairman 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 Y.J. Maheshwari, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/08/2022

1. Heard Shri Y.J. Maheshwari, learned counsel for the petitioner. The petition challenges the order dated 29/11/2021 (pg.11), whereby the application for amendment of written statement has been allowed. The contention of the learned counsel for the petitioner is that by virtue of the proposed amendment, the original defendants are seeking to delete an admission given in their written statement.

2. A perusal of the proposed amendment indicates that it does not seek to delete any averment in the written statement and therefore, the contention that an admission is being sought to be deleted, is incorrect. What the proposed

amendment intends is only to claim that the admission regarding delivery of possession is withdrawn and goes on to explain the position regarding the claim made by the plaintiff as to delivery of possession. The application has been filed at the stage of hearing at Exh.5. It is a settled position of law that even an admission given can be explained of and since the proposed amendment does not intend to delete anything, which is contained in the earlier written statement, I am not inclined to interfere in the impugned order. The writ petition is without any merit and is therefore dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar