

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.82 OF 2023

**ANACLETO CONCECAO PIEDADE
RODRIGUES AND ANR**

... PETITIONERS

Versus

**MARGARET ESTELLA MASCARENHAS AND
ANR**

... RESPONDENTS

Mr Ashwin Bhobe with Ms Shaizeen B. Shaikh, Advocates for the Petitioners.

Mr Laxman Assoldekar, Advocate for the Respondents.

CORAM:- M. S. KARNIK, J.

DATED :- 29th March, 2023

P.C.

Heard learned counsel for the parties.

2. Mr Bhobe, learned counsel for the petitioners submitted that the trial Court while allowing the application for amendment made by the plaintiff post the plaintiff's evidence was over, has not considered the aspect of due diligence which is a requirement of proviso to Order VI Rule 17 of the CPC.

3. I have gone through the impugned order. Considering the

nature of the suit and the stage at which the suit is, I am not inclined to interfere with the order of the trial Court. However, liberty to challenge the said order is kept open in case the final decision is adverse to the petitioner.

4. The petition is disposed of.

M. S. KARNIK, J.

MARIA SUZANA
REBELLO

Digitally signed by MARIA
SUZANA REBELLO
Date: 2023.03.30 11:19:19 +05'30'