

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2281 OF 2023

Dr. Vijay Vasudev Bedekar

.. Petitioner

Versus

Parshuram Pandurang Puranik and Ors.

.. Respondents

-
- Mr. Gurudas Sanjeev Gorwadkar, Advocate for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 03, 2023.

P.C.:

- 1.** Heard Mr. Gorwadkar, learned Advocate for the Petitioner.
- 2.** Perused the impugned order dated 24.11.2022 passed below Exhibit-76 in Regular Civil Suit No.622 of 2008 by the learned Trial Court.
- 3.** The Application seeking amendment was preferred by the Petitioner under Order VI Rule 17 of the Civil Procedure Code, 1908 (for short "**CPC**"), *inter alia*, to bring on record one specific subsequent event that is passing away of the sister of the Respondent who was running an institution for handicapped persons and a library in the subject suit premises. It is pertinent to note that this can always be argued and can be put in evidence by the Petitioner at the time of trial. Allowing such an amendment is not germane at all to decide the controversy between the parties which is the *lis* before the learned

Trial Court.

4. Mr. Gorwadkar in support of his case has referred to and relied upon two decisions of the learned Single Judge of this Court passed in the case of *Milind s/o Vijay Sonone Vs. Kishor s/o Pralhadrao Gulhane* passed in Writ Petition No.342 of 2023 decided on 21.02.2023 and other companion Writ Petitions and in the case of *Sau. Meera w/o Sandesh Motariya and Anr. Vs. Mr. Ramkishor s/o Laxminarayan Bhagat and Ors.* passed in Writ Petition No.7224 of 2019 decided on 24.02.2023 and contended that considering the scope of the amendment the Court should grant the said amendment as it concerns the subject / suit property.

5. I have perused the aforesaid decisions and would state that both the decisions would not be of any assistance to the Petitioner's case herein. Both the decisions are entirely different on facts and more specifically the issue / amendment proposed by the Petitioner has no nexus whatsoever for deciding the controversy as a whole between the warring parties before the learned Trial Court.

6. The impugned order dated 24.11.2022 is sustained.

7. Writ Petition is dismissed.

8. At the request of Mr. Gorwadkar and considering that the Suit of the year 2008, the learned Trial Court is requested by this

Court to dispose of Regular Civil Suit No.662 of 2008 within a period of 8 months from today.

[MILIND N. JADHAV, J.]

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