

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7110 OF 2022

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Yasin Ladlesaheb Kazi (Deceased)

Through Legal Heirs

... Petitioners

V/s.

Iquabal Fakroddin Kazi & Ors.

... Respondents

Mr. Hrishikesh S. Shinde for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 13, 2023

P.C.:

1. The Appellate Court, by the impugned order, has rejected application for amendment filed by defendant Nos.7 to 9.
2. According to the petitioners, the written statement filed before the Trial Court purportedly signed by the petitioners was as a matter of fact never filed by the petitioners. They accordingly filed an application for sending signature on such written statement to handwriting expert, however, report of handwriting expert is inconclusive. The Trial Court passed decree of possession against the defendants. The other defendants filed appeal. In the said appeal the petitioners filed their cross-objections. In addition to cross-objections, the petitioners filed an application below Exhibit-91 seeking amendment of original written statement.
3. The written statement filed by the petitioners admits the

claim of the petitioners. However, according to the petitioners, they have not filed such written statement.

4. The Appellate Court rejected application for amendment on the ground that such application is filed after period of 24 years without explanation. The Appellate Court recorded a finding that allowing amendment would amount to withdrawal of admission in the earlier written statement.

5. Considering reasons assigned by the Appellate Court, in my opinion, no legal infirmity appears. Hence, the writ petition is dismissed. No costs.

(AMIT BORKAR, J.)