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

WRIT PETITION NO. 12466 OF 2019

Sheikh Sahabuddin Abdul Hamid Sheikh ... Petitioner

vs.

Ali Jarrar Siddiqui and Anr ... Respondents

Mr. Ashutosh R. Gole, for the Petitioner.

CORAM : GAURI GODSE, J.

DATED : 13th APRIL, 2023

P.C. :-

1. This Petition is filed by the Plaintiff to challenge the Order dated 17th July 2019 passed by learned Civil Judge, Senior Division, Vasai, in Special Civil Suit No. 116 of 2017. By the impugned Order, an Application filed by Defendant No.1 for carrying out an amendment to the written statement has been allowed. Learned Advocate for the Petitioner invited my attention to the amendment that is sought to be carried out. According to the learned Advocate for the Petitioner, the averment made in paragraph 12 with respect to the construction carried out by Plaintiff was in the nature of admission, and the proposed amendment seeks to withdraw that admission.

2. I have perused the written statement and, in particular, paragraph no. 12. The proposed amendment, as reflected in the application for carrying out the amendment, seeks to clarify the averment made in

paragraph 12 of the written statement with respect to construction carried out by Plaintiff by adding that “it is not true to say that”. A perusal of the proposed amendment in paragraph 12 shows that it is only for correcting an inadvertent mistake.

3. By the impugned order, the learned Judge has rightly observed that by the proposed amendment, the Defendant is not intending to change his defence or not intending to withdraw his admission and that it is only by way of clarification of the earlier pleading. A perusal of the impugned order shows that there is no illegality or infirmity in the order passed by the learned trial Judge. There is no merit in the Petition. Hence, Petition is rejected.

(GAURI GODSE, J.)