

Nikita

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

WRIT PETITION NO.13509 OF 2023

Meena Chandrakant Satam

... Petitioner

V/s.

Sameer Jaising Khade

... Respondent

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KAILAS
DARADE
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NIKITA KAILAS
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Date: 2023.10.30
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Mr. Kush M. Lohankar for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 30, 2023

P.C.:

1. By the impugned order the Trial Court has allowed the amendment to incorporate the pleadings in relation to readiness and willingness and details of the agreement entered into between the parties.
2. Undisputedly, the application for amendment is filed before the commencement of the trial.
3. Therefore, proviso to Order 6 Rule 17 of the Code of Civil Procedure, 1908 is not attracted. Considering the nature of pleadings, in my opinion, to avoid multiplicity of proceedings, the order of allowing amendment does not suffer from legal infirmity.
4. The delay of five years has been compensated by directing the plaintiff to pay the amount of Rs.5,000/-. Therefore, there is

no error of jurisdiction.

5. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)