



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 5108 of 2023

Dattatray Wamanrao Hambarde

Versus

Nagorao Wamanrao Hambarde and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. S.V.Dhawas, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 30th AUGUST, 2023.

Application moved by the petitioner for amendment to the plaint at the stage when the suit was fixed for final argument, came to be rejected vide impugned order dated 12th December, 2022 passed by the 2nd Joint Civil Judge, Junior Division, Court No.2, Daryapur in Regular Civil Suit No. 7 of 2015, on the ground that it was filed at the belated stage and because of failure of the plaintiff to show that inspite of due diligence, he could not claim the relief of permanent injunction before the commencement of the trial.

2. In the application, the only reason given by the petitioner/plaintiff is that due to oversight such prayer of permanent injunction was not made.

3. In the circumstances, I do not find any error committed by the learned trial Court in rejecting the application for amendment. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]