

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

WRIT PETITION NO. 3772 OF 2023

Bijaram Soma Sarwar and ors __ Vs. __ Sanjay Tatyaji Zade and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M.Lodha, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 20/06/2023

1] The application for amendment of the plaint filed by the petitioner/defendant has been rejected, on the ground that what is being sought to be brought on record are the orders passed in previous suit and revenue proceedings, which have already been decided and by production of the orders, this can be very well done, as upon the production, the Court will be bound to take judicial note of the same and therefore, there is no need for amendment.

2] It is contended that the amendment was necessary to incorporate pleadings in respect of the revenue and civil proceedings. In my considered opinion, it is permissible to bring to the notice of the Court by placing on record the certified copies of the orders passed in civil and revenue proceedings, as to what has transpired there, considering which the application has rightly been rejected.

3] Another reason for rejection is that all these proceedings were well within the knowledge of the petitioner and before filing his defence, and therefore, ought to have been taken in the written statement/counter-claim itself. I therefore do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit