



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

Writ Petition No.8207 of 2022
ZOHRABI W/O AJIJ KHAN AND OTHERS
VS
DAYARAM BENILAL SHINGARE AND OTHERS

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

Court's or Judge's Order

Shri Sawan Alaspurkar, Advocate for the Petitioner/s
Shri J.J. Chandurkar, Advocate for the respondent Nos.1 to 4

CORAM : ANIL S. KILOR, J.
DATED : 04.12.2023

1. Heard.
2. In this petition, the order below Exh.53 dated 08.06.2022 passed by the *Ad hoc* District Judge-I, Amravati in Regular Civil Suit No.54 of 2017, rejecting the application for amendment to the written statement filed at the behest of the petitioners/the original defendants, is under challenge.
3. The proposed amendment application was filed to amend the written statement at the stage of appeal and thereby, the petitioners want to bring on record the fact that sons of the respondent Nos.2 and 3 namely Ashwin and Amol have started their new business under the name and style 'Shalini Sales Corporation' on the first floor of the said building in which the tenanted shop premises is situated.

4. Thus, the petitioners are seeking amendment to counter the pleadings in the plaint that there is no alternate premises in possession of the plaintiffs.

5. In reply to the said application for amendment, the landlords denied the said fact. However, it is further stated that the other elder son of Ramnarayan Benilal Shingare is carrying out his business since the year 2014 under the name and style Shalini Sales Corporation, Ambapeth at Amravati.

6. The learned counsel for the petitioners, submits that this fact is sufficient to allow the amendment application.

7. I do not find favour with this submission because in the proposed amendment, there is no mention about the fact that the son of Ramnarayan Benilal Shingare is carrying out the business since the year 2014 under the name and style 'Shalini Sales Corporation'.

8. Moreover, the Court has rightly rejected the application on the ground of due diligence.

9. In the circumstances, I do not find any merits in the present writ petition, accordingly, it is **dismissed**.

[ANIL S. KILOR, J.]