

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

WRIT PETITION NO.4140/2023

Manoj s/o Shankarrao Dalane and others

...Versus...

Saroj W/o Pralhad Kathoke and another

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

Court's or Judge's orders

Mr. V.S. Giramkar, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/08/2023

1. Heard Mr. Giramkar, learned counsel for the petitioners. The petition challenges the order dated 05/06/2023 below Exh.57, which allows the application for amendment of the plaint. Plea is being raised that since the same has been filed after the cross-examination of the plaintiff is over, the same is hit by the due diligence proviso of Order VI Rule 17 of the Code of Civil Procedure and therefore ought not to have been permitted.

2. What is material to note is that the incorrect date of 12/07/2007 as mentioned in the prayer clause of the relinquishment deed is sought to be corrected to 12/10/2007. The date of 12/10/2007 is already in the plaint and so also the document is on record and the amendment merely proposes to

make correction of a typographical mistake, considering which, I am not inclined to interfere in the impugned order. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar