

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

**Writ Petition (WP) No. 4763 of 2023**

Sau. Anita Anant Kaidalwar  
**Versus**  
Suhas Manoharrao Umathe and others

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

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Court's or Judge's Order

Shri U.A.Gosavi, Advocate for the petitioner.  
Shri S.S.Dhengale, Advocate for the respondent nos. 1  
to 3.

**CORAM : ANIL S. KILOR, J.  
DATED : 19<sup>th</sup> AUGUST, 2023.**

Order below exhibit 35 dated 20<sup>th</sup> June, 2023 passed by the learned Joint Civil Judge, Senior Division, Amravati in Special Civil Suit No. 355 of 2021, allowing the amendment application of written statement after the commencement of the trial without recording the findings on due diligence which ought to have recorded by the learned trial Court in compliance of proviso to Rule 17 of Order VI of Code of Civil Procedure, 1908.

2. In that view of the matter, I am of the opinion that the impugned order needs to be quashed

and set aside and the application for amendment is required to be remanded back to the trial court for fresh consideration in the light of proviso to Rule 17 of Order VI of the Code of Civil Procedure.

3. Accordingly, the writ petition is partly allowed. The impugned order dated 20<sup>th</sup> June, 2023 passed by the learned Joint Civil Judge, Senior Division, Amravati in Special Civil Suit No. 355 of 2021 is hereby quashed and set aside.

4. The matter is remanded back to the learned trial Court to decide the application Exhibit 35 for amendment, afresh.

**[ANIL S. KILOR, J.]**

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by  
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KUTTAN NAIR  
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