



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

WRIT PETITION NO.6039 OF 2023

(Durga Computer Typing Institute, Amgaon thr. its Prop. Lalita Lekhiram Bopache
thr. her P.O.A. Gajendra Lekhiram Bopache Vs. Chief Executive Officer, Zilla
Parishad, Gondia and others)

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

Court's or Judge's orders.

Mr. S. S. Tambulkar, Advocate for Petitioner.
Mrs. H. N. Jaipurkar, AGP for Respondent No.3/State.

CORAM: ANIL S KILOR, J.

DATE: 20th SEPTEMBER, 2023.

The petitioner/plaintiff filed a suit for declaration, permanent and perpetual and mandatory injunction against the Zilla Parishad, Gondia seeking declaration that a letter of eviction dated 04.09.2019 is illegal. In the said suit an application Exh.35 was moved for amendment under Order 6 Rule 17 of the Code of Civil Procedure and thereby the petitioner sought to add para 27B which read thus:

“It is pertinent to state here that the said chawl of 14 rooms have been built up by Bahvbhuti Kshikshan Sanstha Amgaon and since 1989, plaintiff is running her typing institute in the 2 rooms of the said chawl as a tenant. Further other people like Shalikram Tukaram Wadhai & Dinesh Ghanshyam Maske were also occupied the another room of the said chawl as a tenant and they were doing their respective business thereat since 25 years.”

2. Admittedly, Bhavbhuti Shikshan Sanstha, Amgaon is not party to the suit and there is no mention about such tenancy in the suit which clearly indicate that if the amendment is allowed it will change the nature of the suit. The learned trial Court has rejected the application on finding that the said amendment is not necessary to decide any of the issue involved in the suit. I do not find any perversity or illegality committed by the learned trial Court in rejecting the application. Accordingly, the writ petition is dismissed.

(ANIL S. KILOR, J.)