

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

Writ Petition (WP) No. 8146 of 2022

Paras S/o Gyaniram Borkar and another

Versus

Smt. Manorama Wd/o Anniruddha Bansod and another

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

Court's or Judge's Order

Shri Ramdayai Hirkane, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 26th APRIL, 2023.

Heard.

2. In this writ petition, three orders namely the order below exhibit 5 dated 20th July, 2016; the order on amendment application exhibit 93 dated 6th May, 2022; and the order below exhibit 100 for partly allowing the consequential amendment, passed by the Civil Judge, Junior Division, Gondia in Regular Civil Suit No. 151 of 2014, are under challenge.

3. As far as the first order dated 20th July, 2016 passed below exhibit 5 is concerned, there is a delay in challenging the same as it was challenged after six years. No explanation or justification has been offered by the petitioner for such delay.

4. Moreover, how the suit is fixed for arguments, therefore, at this stage, I am not inclined to interfere with the order below exhibit 5 in Regular Civil Suit No. 151 of 2014. Accordingly, the prayer clause one is rejected.

5. As far as order dated 6th May, 2022, allowing the amendment application of the plaintiff is concerned, after allowing said application, the petitioner moved application for permission to make consequential amendment, in view of the amendment permitted to be carried out by the plaintiff.

6. Thus, the conduct of the petitioner in moving application for permission for consequential amendment, shows that the petitioners have accepted the order allowing amendment in favour of the plaintiffs and accordingly, they sought consequential amendment to the written statement. In that view of the matter, the challenge to the order dated 6th May, 2022 is rejected.

7. As far as the last order dated 7th September, 2022 is concerned, the Court has further considering the application moved by the petitioner for consequential amendment, allowed the same partly and permitted to add paragraphs 10A and 10B.

8. As far as the other amendment is concerned, which the petitioner sought to carry out in the written statement, the Court has not allowed the same on the ground that the petitioners tried to add new facts which were not stated in the written statement.

9. In the circumstances, I do not find any illegality or perversity is committed by the trial Court in partly allowing the application of the petitioner for consequential amendments. Accordingly, the challenge raised to the order dated 7th September, 2022 is rejected.

10. In view of the above referred findings, the writ petition is disposed of.

[ANIL S. KILOR, J.]

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