

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

WRIT PETITION NO. 137 OF 2023

Sanjay Nevadram Pamnanai __ Vs. __ Hiralal Wadhurma Sirwani

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

Court's or Judge's orders

Mr. C.A.Babrekar, Advocate, for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/01/2023

1] Heard Mr. Babrekar, learned counsel for the petitioner.

2] The petition questions the order dated 3.11.2022 passed by the learned Trial Court, partly allowing the application at Exh. 36 for amendment of the written statement to the extent of proposed amendment in para 8-C only and rejecting the proposed amendment in para 8-A and 8-B as it amounts to withdrawal of an admission granted.

3] A perusal of the written statement in para 1 and 2 indicates an admission on part of the defendant, of having executed the agreement of sale dated 3.4.2018 (pg 21). The proposed amendment in para 8-A and 8-B does not appear to have with an intention to explain the execution of the document, but is in stark contradiction to the plea as raised in the written statement, by denying the execution of the document and therefore has rightly

been rejected by the learned Trial Court, as it amounts to withdrawal of the admission given on oath by the petitioner/defendant. I do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit