



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

WRIT PETITION NO.8184/2023

M/s Chintamani Pharma through its Proprietor Shri Krunal s/o Vijay
Chiddarwar Through Power of Attorney Shri Vijay Shrikrushna Chiddarwar
...Versus...
M/s Prapti Medical Agency Through its Proprietor Prashant Gopichand Bharme

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

Court's or Judge's orders

Mr. D.R. Rupnarayan, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 22/12/2023

1. Heard Mr. Rupnarayan, learned counsel for the petitioner. The petition challenges the order dated 30/10/2023, passed by the learned Trial Court allowing the application for amendment filed by the defendant to the written statement.
2. Mr. Rupnarayan, leaned counsel for the petitioner contends that the impugned order, is causing prejudice to the plaintiff as the defendant was throughout aware that the notice was served upon him.
3. The impugned order indicates that a plea has already been raised by the defendant that the notice issued by the plaintiff, dated 02/05/2017, was returned back unserved

on account of incorrect address. The correction which is sought, is only to the extent that the notice was returned back as refused. That, in my considered opinion, does not cause prejudice to the petitioner/plaintiff, as the burden is upon the defendant to demonstrate the refusal. The writ petition is therefore dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar