



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 13800 OF 2024

SHIVAJIRAO GYANOBA PATIL AND ANOTHER
VERSUS
TRIVENABAI GANPATRAO BAJULGE AND OTHERS

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Mr. V. D. Gunale, Advocate for the Petitioners

CORAM : R. M. JOSHI, J.

DATE : 18th DECEMBER, 2024

PER COURT :-

1. Heard.
2. This petition takes exception to order passed below Exhibit 120 in R.C.S. No. 163 of 2011, whereby the plaintiff's application seeking to introduce pleadings with regard to the incident occurred on 10th October, 2023, came to be allowed.
3. Learned counsel for the petitioners/original defendants submits that the evidence of plaintiff is over and also the defendant have filed his affidavit of evidence. It is his submission that in such situation the Trial Court was not justified in allowing the application. It is his further contention that no such incident has occurred on 10th October, 2023 and as such the impugned order deserves interference.
4. It is settled position of law that the Court cannot go into the

correctness of the amendment at the stage of allowing the same and objection cannot be raised thereto on this ground. Therefore, at this stage, this Court is unable to accept the contention of the learned counsel for the petitioner that no such incident as stated has occurred on 10th October, 2023.

5. In so far as proviso to the Order VI Rule 17 of the Code of Civil Procedure is concerned, since the incident has occurred allegedly on 10th October, 2023 and application is filed on 19th October, 2023, due diligence is seen on the part of the plaintiff to make application. Hence, there is no merit in the petition. Hence, petition stands dismissed.

(R. M. JOSHI, J.)

ssp