

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.554 OF 2023

CHARLES CASMIRO LOBO

... PETITIONER

Versus

ACROSS INDIA TOURISM PVT. LTD THR
DIRECTOR PRANAB KUMAR PAL AND 2
ORS

... RESPONDENTS

Mr. Joaquim Godinho with Mr. Manoj Jalmi, Advocates for the
Petitioner.

CORAM:- AVINASH G. GHAROTE, J.

DATED :- 18th March, 2024

P.C.

Heard learned Counsel for the Petitioner.

2. The Petition questions the order dated 24.07.2023 below Exhibit-133, by which, the Application for amendment of the written statement filed by the Petitioner, who is Defendant No. 1 before the Trial Court, has been rejected.

3. It is not in dispute that the suit was filed in 2008 and the present Petitioner/Defendant No. 1 had filed his written statement on 27.11.2009. Though it is contended that the Petitioner wants to rely upon the admission by Defendant No. 2, given in his written statement regarding his liability to pay the suit claim, the written statement by Defendant No. 2 was filed on 08.08.2013. Considering this, the

Petitioner had ample time and opportunity to amend his written statement, if there was any need for the same. The Application for amendment was filed only on 11.07.2023 and during the course of the evidence of the Petitioner/Defendant No. 1. No explanation is forthcoming regarding the delay or absence of due diligence.

4. Though it is contended that the proposed amendment is to bring the pleadings of the Petitioner in consonance with the pleadings of Defendant No. 2, that may not be necessary, considering that the admission to make payment is already contained in the written statement of Defendant No. 2, by which, he would be bound, I, therefore, do not see any reason to interfere with the impugned order. The Petition is therefore dismissed.

AVINASH G. GHAROTE, J.

ESHA SAINATH
VAIGANKAR

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