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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6554 OF 2015

Dattoba Mahadev Kalagate, deceased through legal heirs	... Petitioner
V/s.	
Nagnath Mahadev Kalagate	... Respondent

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Mr. Samir Kumbhakoni for the petitioner.
Mr. Priyal G. Sarda for the respondent.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 29, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** By the impugned order, the Appellate Court has rejected petitioner's application for amendment of appeal. According to the respondent, the contention raised by the petitioner is not permissible to be agitated in the appeal memo. However, it is well settled that the appellant is entitled to raise all contentions as are permissible in law. However, veracity or falsity of the contention can be raised at the time of hearing of the appeal and not at the stage of amendment application.
- 3.** Hence, the Appellate Court was not justified in rejecting the application for amendment of the appeal memo.

4. Rule is made absolute in terms of prayer clause (c).
5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)