



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

Writ Petition (WP) No. 4486 of 2023

Ramu Premdas Meshram

Versus

Ramabai Rameshwar Sarode and another

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

Court's or Judge's Order

Shri K.S.Motwani, Advocate for the petitioner

Shri S.S.Bhalerao, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 26th APRIL, 2024.

Heard.

2. This writ petition takes exception to the Order Below Exhibit 18 dated 4th March, 2023 passed by Special Court for differently abled persons, Senior Citizens and Marginalized Section of Society, Nagpur in Regular Civil Appeal No. 393 of 2019, rejecting the defendant's application for amendment to the written statement at the stage of appeal.

3. The rejection is on the ground of non compliance of proviso to Rule 17 of Order VI of the Code of Civil Procedure, to demonstrate due diligence. There is no pleadings made by the petitioner as regards the due diligence in the application for amendment.

4. Thus, considering the fact that the amendment to the written statement was sought at the stage of appeal before the First Appellate Court without a pleading as regards due diligence is made in the application, compliance of proviso to Rule 17 of Order VI of the Code of Civil Procedure, I do not find any reason to interfere with the impugned order and needs no interference. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]