



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

WRIT PETITION NO. 179/2024

Santosh S/o Ramratan Atole
Vs.
Amol S/o Prakash Atole and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.S. Dhore, Advocate for petitioner
Mr. Nikhil Waghmare, Adv. h/f Mr. P.B Patil, Adv. for Respondents

CORAM: N.R. BORKAR, J.

DATED : 26th JULY, 2024

This petition takes exception to the order dated 11.08.2023, passed by the learned Civil Judge (Junior Division), Lonar below Exh.17 in Regular Civil Suit No.50/2019. By the order impugned the trial Court has rejected the application filed by the present petitioner / defendant for amendment of written statement.

2. I have heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the impugned order.

3. The learned counsel for the petitioner submits that by the proposed amendment no new defence was taken and it was classificatory in nature. It is submitted that the trial Court, therefore ought not to have rejected the

amendment application on the ground that trial of the suit has commenced.

4. On the other hand, the learned counsel for the respondents submits that the petitioner by way of proposed amendment is trying to raise new pleas. It is submitted that even otherwise the trial Court has rightly rejected the application, in absence of any explanation for moving the application after the commencement of trial.

5. I have perused the application for amendment. There is absolutely no explanation which is required for allowing the application after commencement of trial in terms of proviso to Order VI Rule 17 of the Code of Civil Procedure.

6. The petition is dismissed. No costs.

(N.R. BORKAR, J.)