



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

WRIT PETITION No.2359 OF 2024

(Subhashchandra s/o. Satyaprakash Tiwari and others Vs. The Collector, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. B.W. Patil, Advocate for petitioner.

Ms. Mayuri Deshmukh, AGP for respondent Nos.1,2 and 4.

CORAM : ANIL S. KILOR, J.

DATE : 22nd APRIL, 2024.

1. The order Exh.-124 dated 18th January, 2024 passed by the 4th Joint Civil Judge, Senior Division, Nagpur in Regular Civil Suit No.243/2015, rejecting the application for amendment, is under challenge in this writ petition.

2. Admittedly, the application, to amend the plaint was filed by the plaintiffs in a suit for permanent injunction after the commencement of the trial. It is the case of the plaintiffs that as the Advocate was changed, new Advocate is of the opinion that the proposed amendment is necessary and, therefore, the application was moved for amendment.

3. It is thus not the case of the plaintiffs that despite specific instructions to state the facts which the petitioners now want to bring on record by way of amendment, the earlier Advocate failed to bring those facts on record and this mistake was noticed by the petitioner when the new Advocate brought to their notice and, therefore, the

petitioners want to amend the suit. This is so because all the events the petitioners want to bring on record were well within their knowledge at the time of filing of the plaint.

4. Moreover, there are no pleadings as regards due diligence as required as per proviso to Rule 17 of Order 6.

5. In the circumstances, as no error has been committed by the trial Court in rejecting the application for amendment, writ petition is dismissed.

(ANIL S. KILOR, J.)