

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.222 OF 2025

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Komal Ajit Patil & Anr.

...Petitioners

Versus

Ajit Balkrishna Patil & Ors.

...Respondents

Mr. Vaibhav R. Gaikwad, for the Petitioners.

Mr. Kuldeep U. Nikam, for Respondent No.1.

Ms. R. S. Tendulkar, APP, for the Respondent - State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 27 FEBRUARY 2025

P.C.:

1. Heard Mr. Gaikwad, learned Counsel for the Petitioners and Mr. Nikam, learned Counsel for the Respondent No.1.

2. In the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the Order dated 19th April 2024 passed by the learned Civil Judge, Junior Division, Patan below Exhibit - 228 in PWDVA No.23 of 2021 as well as the Judgment and Order dated 21st November 2024 passed by the learned Additional Sessions Judge, Karad in Criminal Appeal No.25 of 2024. By the impugned Order dated 19th April 2024, the Application filed for amendment bearing Exhibit - 228 in PWDVA No.23 of 2021 has been rejected. The said Application has been rejected on the ground that the

same has been filed at the stage of final arguments. The learned Judge has observed that earlier an Application has been filed on 25th April 2022 i.e. prior to commencement of the evidence and the same has been allowed. Thereafter, the present Application has been filed on 18th March 2024. In the present Application what is sought to be brought on record are the events which have taken place in or about May 2022 i.e. after a period of about 2 years. The learned Judge after elaborately considering the contentions of both the parties, has rejected the Application on the ground that in the Application it is not explained why the Application is filed at belated stage. By the impugned Order dated 21st November 2024 the learned Appellate Court confirmed the Order passed by the learned Trial Court.

3. It is the contention of Mr. Gaikwad, learned Counsel for the Petitioners that the learned Judge has erroneously applied the legal position concerning the Order VI Rule 17 of the *Code of Civil Procedure, 1908*. However, in any case, the learned Judge has recorded that the amendment has been done at the final stage of the arguments and it is at belated stage. No reasons have been assigned for said delay. The said Order has been confirmed by the learned Appellate Court.

4. Accordingly, no case is made out for interference in the Writ Petition under the jurisdiction of this Court under Article 227 of the Constitution of India.

5. At this stage, Mr. Gaikwad, learned Counsel, submits that by the proposed amendment as contained in Paragraph Nos.9 to 12 what is sought to be added are the prayer clauses. He submits, on instructions, that the Petitioners will not lead any further evidence and only prayer clauses as contained in Paragraph Nos.9 to 12 of the amendment application be allowed to be added. Accordingly, although the other amendments are rejected for the reasons set out herein above, since only the prayer clauses are proposed to be added, the amendment Application bearing Exhibit - 228 in PWDVA No.23 of 2021 is allowed to the extent of adding prayer clauses as set out in Paragraph Nos.9 to 12 of the amendment Application.

6. Mr. Gaikwad, learned Counsel for the Petitioner, on instructions of the Petitioner, states that no further evidence will be led and the Petitioners will completely co-operate the learned Judge in disposal of said PWDVA No.23 of 2021 in time bound manner.

7. Accordingly, Writ Petition challenging the impugned Orders is dismissed, subject to above.

[MADHAV J. JAMDAR, J.]