

R. Dilwale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13091 OF 2024

RAMESHWAR
LAXMAN
DILWALE

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RAMESHWAR
LAXMAN DILWALE
Date: 2025.06.24
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Rajendra Basappa Londhe

.....Petitioner

Vs.

Jitendra Basappa Londhe & Ors.

.....Respondents

Mr. Kuldeep U. Nikam with Mr. Om N. Latpate, Advocates for the
Petitioner.

CORAM : GAURI GODSE, J.

DATE : 23rd JUNE 2025

ORDER:

1. This petition is filed by the plaintiff to challenge rejection of his application under Order VII Rule 17 of the Code of Civil Procedure, 1908 to amend the plaint with regard to the description of the suit property. The application is mainly rejected on the ground that it is filed after the trial has commenced and satisfactory reason has not been given regarding due diligence.

2. This order is purely an interlocutory order. Court should be slow in interfering with such an interlocutory order. Moreover the

petitioner has a liberty to challenge the order in view of Section 105 of Code of Civil Procedure, 1908 in the event, the decree is adverse to the petitioner and an appeal is filed against the decree.

3. Hence this is not a case to exercise the discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order.

4. Subject to the aforesaid observations and keeping the liberty under Section 105 of Code of Civil Procedure, 1908 open, the writ petition is dismissed.

5. Needless to record that all contentions on merits of the parties in the suit are kept open.

[GAURI GODSE, J.]