



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.6123/2023

Mangesh Tarachand Gaidhane and anr. .Vs. Pratap Premchand Agrawal

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

Court's or Judge's orders

Mr. A. Tripathi, Advocate for petitioners.
Mr. K. J. Rawandhe, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 20, 2025

Heard.

2. Grievance is that the learned Civil Judge Senior Division, Nagpur has refused to permit the defendant-petitioner herein to amend the written statement on two grounds. One is that the trial has begun and the petitioners failed to show due diligence in filing the application.

3. The petitioners intended to bring on record, by way of amendment, the proceedings and orders passed by District Consumer Disputes Redressal Commission and the Debts Recovery Tribunal. These proceedings were filed and the orders were passed during the period from the year 2016 to 2022. The application, however, was filed in the year 2022, without any satisfactory reason as to why the order passed during the year 2016 were not produced immediately. Another reason is that these proceedings and the orders have been not disputed by the respondent – plaintiff. The same can be placed on record and admitted in the evidence.

4. Thus, the order does not really affect the rights of the petitioners.

5. I did not find any good reason why didn't the petitioners bring on record the orders that were passed in the year 2016 and/or the proceedings that were filed at that time. In any case, the

petitioners having been permitted to place on record the documents, one cannot argue that any prejudice will be caused to them.

6. Counsel for the petitioners submits that unless pleadings are amended, the petitioners may not refer to these document, which argument, I find to be without any substance inasmuch as the petitioners intend to amend the written statement. The petitioners have not filed any counter claim to prove their case. The documents, which petitioners intend to rely upon, can be well shown to the respondent's witness in cross-examination in terms of Order XIII Rule 1(3) of the Civil Procedure Code, 1908. Thus, no interference is called for in the supervisory jurisdiction under Article 227 of the Constitution of India. The writ petition is dismissed accordingly. No order as to costs.

(Anil L. Pansare, J.)

Kahale