



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

WRIT PETITION NO. 6872/2025

(M/S KAY ESS HIRE PURCHASE (P) LTD., NAGPUR **VERSUS** SHRI NAGPUR GUJRATI
BRAMHA SAMAJ & OTHERS)

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

Court's or Judge's order

Shri Arjun Raoka (Jain), counsel for the petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : NOVEMBER 20, 2025

Heard the learned counsel for the petitioner.

2. By this petition, the petitioner has challenged the order dated 18.10.2025 passed by the Small Causes Court, Nagpur rejecting the application for amendment of the written statement.

3. The petitioner is the original defendant in the suit filed by the respondents-landlords seeking possession of the suit premises and recovery of rent. The petitioner-tenant has filed an application for amendment of written statement at the stage of final arguments in the civil suit for raising a challenge to the alleged notice dated 19.08.2016 issued by the landlord under Section 15 of the Maharashtra Rent Control Act, 1999. By way of proposed amendment, the defendant wants to introduce pleadings to challenge the notice which was issued by the landlord.

4. Pertinent to note, in the application for amendment, the petitioner has not at all mentioned any reason for not incorporating the pleadings in the written statement which is already filed in the suit. It is clear that the defendant is contesting the suit on merits

and the suit has reached the stage of final arguments. The defendant was very much aware about the notice and could have raised the contentions in the written statement. As such, it is clear that the amendment application is filed without demonstrating any due diligence on the part of the defendant.

5. In view of provisions of Order VI Rule 17 of the Code of Civil Procedure, 1908, the application filed by the defendant at the stage of final arguments in the suit cannot be entertained in absence of due diligence being shown on its part. A perusal of the impugned order shows that the trial Court has considered the relevant aspects and particularly considering the fact that the application for amendment is filed at the stage of final arguments in the suit without demonstrating due diligence, the same is rightly rejected.

6. In view of aforesaid, no indulgence under Article 227 of the Constitution of India is warranted with the impugned order. The writ petition deserves to be dismissed and the same is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)