



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

WRIT PETITION NO.6811 OF 2024

[Khushal s/o Madhoji Jabalpure .vs. Milind s/o Harishrao Kalambhe]

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

Court's or Judge's orders

 Mr. N.A. Jachak, Advocate for Petitioner.
 Mr. S.P. Agrawal, Advocate for Respondent.

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CORAM : PRAVIN S. PATIL, J.
DATED : FEBRUARY 18, 2025.

1. Heard the matter for sometime.
2. During the course of argument, the learned counsel for the petitioner pointed out to this court that, application for permission to amend the written statement (Exh.16, page 31), is not sworn by respondent. The bare perusal of affidavit indicates that, solemn affirmation bears the name of respondent/original defendant, but the same was not sworn by him by putting his signature. The affirmation bears the signature of other person.
3. The petitioner had raised specific ground (F) in the petition stating that application for amendment filed by respondent/defendant before trial Court is not on his oath. The respondent/defendant, till date, not filed any reply in this petition nor clarified, as to how, in absence of affidavit sworn by defendant, the application for amendment can be entertained. Therefore, respondent is directed to file affidavit clarifying this aspect to the court on or before next date.

4. Stand over to **10.03.2025**. Interim order to continue till then.

[PRAVIN S. PATIL, J.]