



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

WRIT PETITION NO.330 OF 2026

DR. SUYOG S/O NAMDEORAO MESHARAM AND ANOTHER
VERSUS
SUNIL S/O DAMODHAR DHABEKAR

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. R.D. Dandwate, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 20th JANUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioners.
2. The petitioners have challenged the order dated 30.09.2025, passed by 4th Joint Civil Judge Senior Division, Bhandara, at Exhibit 52, in Special Civil Suit No.85 of 2019, rejecting the application for amendment of written statement.
3. Learned Advocate for the petitioners submits that the defendants (petitioners herein) have although incorporated pleadings in the written statement, but now at the stage of evidence of the defendants, it was revealed that the details about a meeting, which

was held on 07.09.2018, are also required to be mentioned by way of proposed amendment. Therefore, the amendment application was filed to clarify the pleadings.

4. A perusal of the impugned order shows that the trial court has considered the fact that an earlier application filed by the defendants *vide* Exhibit 41, for permission to place on record a pen drive containing footage about the said meeting, was rejected, and therefore, the trial court has observed that the application for amendment is an attempt to introduce the pleadings with respect to the said meeting. After considering the record of the case, the trial court has rejected the application for amendment.

5. A perusal of the application for amendment at Exhibit 52, shows that the application does not at all mention anything about due diligence on the part of the defendants. There is nothing in the application to show any reason as to why the pleadings were not incorporated earlier. In view of the proviso to Order 6, Rule 17 of C.P.C., the defendants were required to make out a case demonstrating due diligence on their part. In the instant case, the application does not demonstrate any due diligence on the part of the defendants. As such, the application deserves to be rejected. Apart from this, I find no

perversity with the reasoning of the trial court. In view of this, no indulgence is warranted under Article 227 of the Constitution of India with the impugned order. Hence, the writ petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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