



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

WRIT PETITION NO. 5499/2018

Dr. Suresh S/o. Vitthaldas Chandak,
Aged about 65 years, Occu. - Medical Practitioner,
R/o. Chandak Mansion, Plot No. 9,
Near Gandhi Putla, Central Avenue, Nagpur

.... **PETITIONER**

// VERSUS //

Dr. Sudhir S/o. Jagdishchandraji Sharma,
Aged about 61 years, Occu.- Medical Practitioner,
R/o. Mezzanine Floor, Chandak Mansion,
Plot No. 9, M.H. No. 292/01,
Near Gandhi Putla, Central Avenue, Nagpur

.... **RESPONDENT**

Shri N.G. Jetha, Advocate for the petitioner
Shri R.M. Sharma, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 26/11/2018

ORAL JUDGMENT :

1] Heard.

2] **RULE.** Rule made returnable forthwith.

3] The petitioner (original applicant) has filed an application under the Maharashtra Rent Control Act before the trial Court praying for

fixation of standard rent. The respondent filed his reply to the application opposing the claim of the petitioner. The matter proceeded and the evidence of the applicant and his witnesses is recorded. At this stage, the respondent/non-applicant filed an application (Exh. 96) seeking permission to amend his reply and to incorporate certain pleadings regarding deposition recorded in some other cases in respect of the rent of some properties which are situated in the vicinity. This application is allowed by the learned trial Judge by the impugned order.

4] With the assistance of the learned advocates for the respective parties, I have gone through the reply filed by the respondent before the trial Court and the application (Exh. 96). I find that the matter which the respondent seeks to bring on record by the proposed amendment cannot be the subject matter of amendment and in any case, it cannot be permitted at this stage, after the evidence of the applicant and his witnesses is over. The learned trial Judge has committed an error of jurisdiction by permitting the respondent/non-applicant to amend his reply and therefore, the impugned order is unsustainable.

5] Hence, the following order is passed: -

ORDER

- a) The impugned order is set aside.
- b) The application (Exh. 96) filed by the respondent/non-applicant is dismissed.

6] Rule is made absolute in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari