

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8486 OF 2013

Shri Popat Eknath Wabale and others ...PETITIONERS

versus

Shri Bapu Khandu Wabale and others ...RESPONDENTS

.....
Mr. B.N. Palve, Advocate for Petitioners
Mr. A.G. Ambetkar, Advocate for respondents No. 1 to 4
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 30th SEPTEMBER, 2015

Order :-

1. Heard learned counsel for parties.
2. Perusal of impugned order depicts that though trial court has rejected the application Exhibit-53, the order appears to be a non speaking order as it had not discussed as to how it has been considered that the amendment sought would change nature of the claim of the plaintiff. Under the circumstances, I deem it appropriate that application Exhibit-53 be decided afresh after granting opportunity to the parties concerned, by a reasoned order.
2. For said purpose, impugned order dated 02-12-2011 on Exhibit-53 in Regular Civil Suit No. 6 of 2010, passed by joint civil judge, junior division, Pathardi, District Ahmednagar stands set aside.

Application Exhibit-53 is restored to its original position as had been subsisting immediately before passing of impugned order. The trial court to decide Exhibit-53 afresh by giving opportunity to the parties as expeditiously as possible, in accordance with law and on its own merits. Needless to refer to that this order shall not influence decision to be rendered on merits on Exhibit-53 by the trial court.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK