

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6407 OF 2008

Moula Hasan Ambekari	..	Petitioner
VS.		
1. Smt. R. N. Shaikh (since deceased)		
2. Nisar S. Shaikh	..	Respondents

Mr. Bhushan A. Walimbe for Petitioner.
Mr. Umesh R. Mankapure for Respondents.

CORAM : M. S. SONAK, J.
DATE: 30 MARCH 2015

P.C. :-

1] This petition challenges order dated 4 August 2008, by which the petitioner's (original defendant's) application to amend the written statement, in the course of petitioner's appeal before the District Judge came to be rejected.

2] At this stage, it is not necessary to entertain the present petition. This is because if the appeal is ultimately decided against the petitioner, it is always open to the petitioner to question the impugned order dated 4 August 2008, along with the judgment and decree which the appellate court may have the occasion to pass against the petitioner.

3] It is made clear that this Court has not examined the merits of the matter and therefore it shall be open to the District Court to decide the matter on its own merits without in any manner being influenced by the circumstance that this Court has not entertained the present petition.

4] Accordingly, all contentions of all parties are kept open. The District Judge, Karad, is directed to dispose of the appeal as expeditiously as possible and in any case within a period of one year from today.

5] Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka