

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9016 OF 2015

Shantabai B. Takalikar

.. Petitioner

vs.

Sonali P. Bafana @ Sonal A. Chandak

.. Respondent

Mr. Akshay Shinde i/b Mr. A.M. Kulkarni for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 05 OCTOBER 2015.

P.C. :-

1] The challenge in this petition is to the order dated 29 July 2015, by which the Trial Court has declined the Petitioner (original Defendant) leave to amend the written statement, primarily on the ground that the trial in the suit has already commenced.

2] At this stage, it is not necessary to entertain the present petition. However, if ultimately R.C.S. No. 604 of 1987 is decided against the Petitioner and the Petitioner choses to institute a substantive appeal against the decree made, the Petitioner will be entitled to challenge the impugned order dated 29 July 2015 in such appeal and the Appeal Court will, at that stage, consider the challenge and decide the same, in accordance with law and on its own merits.

3] With observations as aforesaid, this petition is disposed of.

4] By order dated 8 September 2015, the Petitioner was required to deposit in this Court a sum of Rs.10,000/- towards security of costs for the Respondent. However, the Respondent, despite notice, has not appeared in this petition. Besides, the impugned order has not been interfered with, though liberty is granted to the Petitioner in the aforesaid terms. In view of this, the Petitioner shall be at liberty to withdraw the costs of Rs.10,000/- deposited by her in this Court. The Registry to permit such withdrawal, accordingly.

5] All concerned to act upon the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**