

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 1933 OF 2015.

Bai Prabhavati Haridas Bhatia

(Deleted since deceased)

2. Charulata Jamnadas Bhatia & ors.

.. Petitioners

Vs.

Shri Labhshankar, son of late

Narbheram Pranshankar

(deleted since deceased)

1(a) Narendra Labhshankar Japi

heir & legal representative & ors.

.. Respondents

Mr.C.J.Bhatia, Petitioner in-person.

None for Respondents.

***CORAM: N.M.Jamdar J.
Wednesday 25 March, 2015***

PC.:

By this petition, the petitioner in-person challenges the order passed by the learned Judge, Small Causes Court Mumbai, dated 30 July 2014 permitting amendment to the Written statement.

2 The Petitioner has filed a suit for eviction of the Respondents. It is contended by the Petitioner in the suit that the Petitioner/Plaintiff along with her son are co-owners of the suit property and are landlords of the Respondent Nos.1 and 2. It is

their case that the premises have been unlawfully let out to Defendant Nos.3 to 7 who are occupying them without any legal basis. The Defendant No.1 expired during the pendency of the suit. He had filed the Written statement. Thereafter his heirs moved an application for amendment of the Written statement which has been granted by the impugned order.

3 The Petitioner in-person submitted that the amendment could not have been allowed as it is inconsistent with the Written statement already filed by the deceased tenant. The Court has found that there is no inconsistency and in fact it is in consonance with the stand taken by the deceased tenant. The amendment has been granted subject to costs. Even though ground of fraud etc. has been pleaded in the amendment, the heirs of the deceased tenant will have to prove the said fact and the Petitioner will get an opportunity to contest the amended portion. In view of the fact that the Petitioner will get an opportunity to controvert the allegations made in the amendment, it is not necessary to interfere with the impugned order.

4 The Petitioner in-person submitted that the amendment was moved after his evidence was over and the suit being of the year 2001, hearing of the suit should be expedited and made time bound. There is a merit in this request since the suit is filed in the year 2001. Therefore, the Petitioner makes a request for early disposal of the suit within a time bound period, the learned Judge, Small Causes Court, will consider the same favourably and take up

the suit for early disposal within 15 to 20 months, if there are no earlier time bound commitments.

Writ petition is accordingly disposed of.

(N.M.Jamdar J.)