

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

WRIT PETITION NO.965 OF 2015

Umashankar Mallakappa Lonikar and others .. Petitioners

Versus

Sharadkumar G. Pailwan and others .. Respondents

Mr. P. S. Dani, Senior Advocate a/w Mr. V. Patil i/by Ketan Joshi, for the Petitioners.

Mr. Ram Apte, Senior Advocate i/by Mr. Anand Kulkarni, for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 17th FEBRUARY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 11.12.2014 passed by the Principal District Judge, Solapur, by which order the application for amendment of the written statement came to be rejected. The said application was filed in the background of the fact that the application Exh.55 for production of documents by the Defendants at the appellate stage was allowed by the Lower Appellate Court. The amendment sought vide application Exh.62 was therefore referable to the production of documents which was allowed by the Lower Appellate Court.

2. During the course of hearing of the above Petition, the parties have arrived at a consensus and agreed to the amendment in terms of the draft which has been handed over by the two Learned Senior Counsel appearing for the parties. The said draft has been signed by the advocates on record for identification. The said draft amendment is taken on record and marked 'Exh-X'. In so far as the further course of the proceedings are concerned, the same would be governed by the order dated 29.11.2014 passed below Exh.1 albeit with a change in dates which change will be carried out by the Lower Appellate Court as per its convenience. Since the Appeal in question is to come up before the Lower Appellate Court on 23rd February, 2015, the parties would appear before the Lower Appellate Court on the said day. The Lower Appellate Court would thereafter fix the schedule in terms of the order dated 29.11.2014, but with suitable amendment in the dates. Having regard to the amendment being now agreed by the parties in terms of Exh.-X and also having regard to the fact that opportunity would have to be given to the parties to adduce evidence, since the time stipulated for disposal of the Appeal is to end on 28th February, 2015, the same to stand extended up to 15th April, 2015. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]