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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 232 OF 2013

Panchshil Reality & Developers Pvt.Ltd. ... Applicant

Vs.

Shri Ashok Phulchand Bhandari and others ... Respondents

Mr.S.S.Patwardhan, Advocate for Applicant.

Mr.R.D.Soni i/b Ram & Co., Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.

DATE : 23rd JULY, 2015

P.C. :

. Heard Mr.S.S.Patwardhan, learned Counsel for the applicant and Mr.R.D.Soni, learned Counsel for respondent No.1 at length.

2. By order dated 20/09/2013, this Court issued notice to respondent No.1 who is plaintiff. Notice was to mention that Revision Application will be disposed of finally at the stage of admission. In view thereof, Rule. Mr.Soni waives service for respondent No.1. At the request and by consent of the parties, rule is made returnable forthwith and Application is taken up for final hearing.

3. Mr.Soni submits that after filing of this Application, name of applicant who is added as defendant No.13 is changed to Panchshil Reality & Developers Pvt.Ltd. Mr.Patwardhan, therefore,

seeks leave to substitute name of the applicant from Zero G Apartments Private Limited to Panchshil Reality & Developers Pvt.Ltd.. Amendment shall be carried out forthwith.

4. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), original defendant No.13 has challenged the judgment and order dated 21/12/2012 passed by the learned 3rd Joint Civil Judge, Senior Division, Pune below Exhibit 34 in Special Civil Suit No. 2102 of 2010. By that order, the learned trial Judge allowed the application filed by respondent No.1 – -original plaintiff under Order 1 Rule 10 read with Order 6 Rule 17 of C.P.C. for impleading parties as defendants as also for amending the plaint.

5. Mr.Soni, upon taking instructions from respondent No.1 submits that by consent of the parties, the impugned order may be set aside without recording reasons.

6. In view thereof, by consent of the parties, Application is disposed of in following terms.

- 1) The impugned order dated 21/12/2012 is set aside and application at Exhibit 34 is restored to the file of the trial Court.
- 2) The parties will appear before the trial Court on 04/08/2015 when the trial Court has fixed hearing of application Exhibit 5.

- 3) The learned trial Judge is requested to decide the application Exhibit 34 as expeditiously as possible and in the event within 2 weeks from 04/08/2015.

7. All the contentions of the parties are expressly kept open. Rule is made absolute accordingly with no order as to costs.

(R. G. KETKAR, J.)