

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5149 OF 2015

M/s. Ish Homesh Private Limited.] ... Petitioner

Versus

A. A. Dudwadkar and Anr.] ... Respondents

Mr. Khan Javed Akhtar for Petitioner.
Mr. R. S. Matkar for Respondent No.1.

CORAM :- M. S. SONAK, J.
DATE :- AUGUST 31, 2015

P. C. :-

1. The learned Counsel for Petitioner states that the two written statements filed by the Respondent No.2 are virtually identical and therefore, the later written statement should be struck off, from the record.

2. The learned Counsel for Respondent No.2, on the other hand, submits that the plaint was amended on no less than two occasions and therefore, there was necessity for filing the two written statements.

3. Be that as it may, if it is the case of the Petitioner that the two written statements are identical, then there is no question of any

prejudice. There is no necessity to entertain this petition at this stage. If, however, the R.A.E. & R. Suit No.637 of 2007 is ultimately decided against the Petitioner and the Petitioner chooses to question such decision by filing the substantive appeal, then opportunity is reserved to the Petitioner to challenge the order impugned in the present petition, if it so desired.

4. With liberty as aforesaid, this petition is dismissed.

(M. S. SONAK, J.)