

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3648 OF 2005

M/s. Shreyas Promoters & Others	..	Petitioners.
V/s. Avinash A. More (since deceased) through his Legal Heirs – 1(a) Smt. Sunita A. More & Others	..	Respondents.

Mr. Sachindra Shetty i/b. S. M. Kamble, for the Petitioners.

CORAM: M.S.SONAK,J.

DATE : 27th MARCH, 2015.

PC:-

This Petition challenges the order dated 21st November, 1990 made by Civil Judge, Senior Division, Alibag, allowing the Plaintiff's application for amendment of the plaint.

2 Considering that this is 1987 suit, it is not necessary at this stage to interfere with the impugned order. However, if the suit is ultimately decided against the Petitioner-Defendant, then in the appeal, which Petitioner-Defendant may choose to file against such decree, it shall be open to the Petitioner-Defendant to challenge the impugned order dated 21st November, 1990.

3 All contention of all the parties in this regard are, therefore, kept open.

4 With the aforesaid observations, this **Petition** is **disposed of**.
There shall be no order as to costs.

5 However, considering the suit of the year 1987, the Civil
Judge, Senior Division, Alibag is directed to dispose of the same as
expeditiously as possible and in any case, within a period of one year from
today.

(M.S.SONAK,J.)