

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

WRIT PETITION NO. 6111 OF 2014

M/s.Shri Shanti Textiles Mills P. Ltd. ... Petitioner

v/s

The Official Liquidator,
M/s.Patanwala Glass works P. Ltd. & ors. ... Respondents

Mr.Bharat Joshi along with Mehul Shah for the petitioner.

Mr.P.S. Dani, senior advocate i/by Sheela Rao for Resp. No.7.

CORAM: NITIN M. JAMDAR, J.

DATED : 1ST APRIL, 2015

ORAL ORDER:

Heard learned counsel for the parties.

2 By this petition, the petitioner challenges the order passed by the learned Small Causes Court Judge, Mumbai, dated 1 March 2014 below Exh.86 in R.A.D. & E. Suit No.1389/4230 of 1988 filed by the petitioner. The learned Judge has allowed the application filed by the defendant No.7 - respondent No.7 for amendment of the written statement.

3 It is not necessary to consider the matter in detail as the learned counsel for the petitioner submitted that, since the suit is of

the year 1988 and any further adjudication in this petition will only prolong the hearing of the suit, the petitioner is agreeable for disposal of the petition if certain directions are given in favour of the petitioner. He submitted that since the respondent No.7 has referred to various judgments and decrees passed earlier, copies thereof be given to the petitioner. This request is fair and reasonable. The learned counsel appearing for the respondents also does not object to this request. The respondent shall do so accordingly.

4 The learned counsel for the petitioner also makes a request that the petitioner may be permitted to file additional evidence or seek amendment of the plaint, if it is required in view of the amendment granted by the impugned order. This request is also reasonable and not opposed. It will be open to the petitioner to file an additional evidence and seek amendment of the plaint in view of the amendment which is granted.

5 The writ petition is accordingly disposed of in above terms, with no order as to costs.

(NITIN M. JAMDAR, J.)