

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10854 OF 2014**

Shamrao Maruti Shelke

..Petitioner

Vs.

The Tahsildar, Walwa & Ors.

..Respondents

Mr. Bhushan Walimbe for the Petitioner

Mr. A. S. Desai for the Respondent Nos.4 to 12

CORAM : R. M. SAVANT, J.

DATE : 22nd JANUARY, 2015

ORAL JUDGMENT

1 At the outset, the Learned Counsel appearing for the Petitioner /Plaintiff seeks deletion of the Respondent Nos.1 to 3 as according to the Learned Counsel appearing for the Respondent Nos.4 to 12 Mr. Desai states the said Respondents are not the contesting Respondents in so far as the challenge in the present Petition is concerned. The Respondent Nos.1 to 3 are accordingly allowed to be deleted.

2 Rule. With the consent of the Learned Counsel for the parties made returnable forthwith and heard.

3 The challenge in the above Petition is to the order dated 19-11-2014 passed by the Learned Civil Judge Senior Division, Islampur, by which order, the application Exhibit 65 for amendment of the plaint filed by the Petitioner/Plaintiff came to be rejected. By the amendment sought, the reliefs

which are claimed are directed against the Respondent Nos.4 to 12 whereas in the Suit as originally filed the reliefs are claimed against the Respondent Nos.1 to 3. Since by way of the amendments reliefs are sought against the Respondent Nos.4 to 12, the Learned Counsel for the said Respondents Mr. Desai made the statement which has been recorded hereinabove. The Learned Counsel further states that the said Respondents would not raise any contention as regards the said amendment on the ground that the Respondent Nos.1 to 3 have been deleted. The Learned Counsel for the Respondent Nos.4 to 12 on instructions states that the said Respondents have no objection to the application Exhibit 65 for amendment of the plaint being allowed.

4 In view of the said statement made by the Learned Counsel for the Respondent Nos.4 to 12, there is no warrant to consider the impugned order dated 18-11-2014 on merits. The impugned order would accordingly stand set aside and the application Exhibit 65 would stand allowed. The Plaintiff would carry out the amendment in the plaint within two weeks from date. A copy of the amended plaint to be served on the Advocates for the Respondents within one week thereafter. The Respondent Nos.4 to 12 would not question the amendment in the Suit on the ground that the Respondent Nos.1 to 3 were deleted in the above Petition and would proceed on the basis of the amendment being allowed in view of the said statement made by the Learned Counsel for the Respondent Nos.4 to 12. The Lower Appellate Court had

directed the disposal of the Suit within 6 months from 5-9-2014, the said period would therefore come to an end on 5-3-2015. However, the Learned Counsel appearing for the parties, taking a practical approach are agreeable to the Suit being disposed of by 31-5-2015. Hence the Trial Court would endeavour to dispose of the Suit not later than 31-5-2015. Rule in the above Petition to stand disposed of in the above terms.

[R.M.SAVANT, J]