

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.180 OF 2015
IN
WRIT PETITION NO. 7161 OF 2012**

Balkrishna Maruti Mathwad & Anr. ..Applicants

In the mater between

Balkrishna Maruti Mathwad & Ane. ..Petitioners

Vs.

Dhananjay Vishwanath Chinchwade ..Respondent

Mr. Madhav Jamdar for the Applicants

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2015**

P.C.

1 The above Civil Application has been filed seeking an early date of hearing of the above Petition. The issue involved in the Petition is as regards whether the Plaintiffs are entitled to amend the plaint. It appears that whilst issuing notice on 7-9-2012, the parties were put to notice that the Petition may be heard and disposed of finally at the admission stage. However, in view of the fact that inspite of appearance put up on behalf of the Respondent No.1, none had appeared for the Respondents on 3-9-2013 when the Petition was listed for admission. The Petition was therefore required to be admitted and the proceedings in the Trial Court were required to be stayed. Rule was however made returnable on 2-12-2013. It is considering the challenge raised in the above petition that the instant Civil Application has been filed. None

appears for the Respondent No.1 though served. The Civil Application is accordingly allowed, resultantly the Petition to be placed for final hearing at the bottom of the supplementary board on 4-3-2015. The Learned Counsel for the Applicants may intimate the Respondent No.1 of the instant order. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]