

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION(CAW) NO.1024 OF 2015

IN

WRIT PETITION NO.3745 OF 2013.

(SHRI RAM VISHANDAS SHAHANI..VS..SMT. SHANTI LATE GOPAL SHAHANI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 09, 2015.

Heard Ms M.D.Bhambhuwani, the learned advocate for the applicant / petitioner and Mr. P.S.Shukla, the learned advocate for the respondent.

The petition is filed by the original plaintiff challenging the order passed by the learned trial Judge on the application (Exh.305), allowing the application and directing the petitioner/ plaintiff to choose either of the pleadings regarding the suit property. The petitioner at the time of filing of the writ petition has impleaded Smt. Shanti widow of Gopal Shahani as the respondent. It is undisputed that there are five defendants in the civil suit. The application (Exh.305) does not disclose the fact as to which of the defendant has filed the application. The learned advocate for the petitioner submits that the contesting defendant is impleaded as respondent in the writ petition, however, she is not in a position to make a statement as to who has filed application (Exh.305).

This application is filed by the petitioner seeking permission to amend the writ petition and to implead other defendants as parties. However, the application cannot be entertained as there is serious lapse on the part of the petitioner and the application is not proper.

The civil application is rejected with liberty to the petitioner to file fresh application, if so advised.

The petitioner shall deposit Re.One Thousand with the High Court Legal Services Sub Committee, Nagpur within three days and produce receipt on record.

The writ petition is of the year 2013. If the fresh application is not filed within one week the petition shall stand dismissed without reference to the Court. If the application is filed within one week, the petition shall be listed for further consideration on 19th June, 2015.

JUDGE