

HON'BLE SRI JUSTICE DILIP B. BHOSALE

CIVIL REVISION PETITION No. 3276 OF 2014

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P.C:

This C.R.P is filed by original defendant Nos.1 and 2 challenging the order dated 17-07-2014 passed on I.A No. 2311 of 2013 in O.S No.657 of 2009, whereby respondent No.1 – plaintiff's prayer for adding respondent Nos.2 to 4 as defendants in the suit has been allowed. Suit was filed for declaration that respondent No.1 – plaintiff is absolute owner of the suit schedule property and for perpetual injunction against original defendant Nos.1 and 2. While adding respondent Nos.2 to 4 as defendant Nos.3 to 5 in the suit, the plaintiff did not pray for consequential amendment of the pleadings. When that was pointed out by learned counsel appearing for the petitioners, learned counsel for respondent No.1 – plaintiff, on instructions, sought permission to withdraw I.A No. 2311 of 2013, with liberty to file fresh application for seeking amendment of the pleadings, including seeking leave to add respondent Nos.2 to 4 as party – defendants in the suit. Learned counsel appearing for the petitioners has no objection for granting such liberty subject to the petitioners right to oppose the application on merits.

In the circumstances, I dispose of this C.R.P by the following order:

"I.A No. 2311 of 2013 filed by respondent No.1 – plaintiff is allowed to be withdrawn and disposed of as such, with liberty to file fresh interim application for adding respondent Nos.2 to 4 as party defendants in the suit and to seek consequential amendment of the pleadings including the prayer clause. If any such application is filed, it would be open to the petitioners to file their counter and oppose the prayers. I hope and trust that the Court below shall decide any such application on merits in accordance with law. In view of this order, the order impugned in the present C.R.P is set aside. All contentions on merits are kept open."

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

27-03-2015

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