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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3293 OF 2016

M/s Kuber Developers, Latur

PETITIONER

VERSUS

Subhash Gangadharprasad Pande & Ors

RESPONDENTS

.....
Mr. R. P. Adgaonkar h/f Mr. M. S. Patil, Advocate for petitioner
.....

[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 13th APRIL, 2016

ORDER :

1. Purportedly aggrieved by grant of application Exhibit-173 in Regular Civil Suit No.67 of 2012, the petitioner is before this court.

2. The trial court, while passing the impugned order, has observed thus -

“4. Perused record and documents adduced by the parties. Heard both the sides. It is evident from the record that, issues in the present suit are framed and when matter posted for evidence, present application filed by the plaintiffs. But the proposed amendment is relating to more explanation about the previous fact which are mentioned by the plaintiffs in the plaint. No any inconsistent or new theory wants to be added in the plaint by this amendment. Although matter is for adducing evidence but plaintiffs yet

not filed evidence affidavit. So it cannot be stated that trial is commenced in the present suit. Therefore, it is the proper stage to allow the amendment and permit plaintiffs to add explanation relating to joint family property. Therefore, in the interest of justice it is necessary to allow the application.”

3. Having regard to the reasons as are appearing in the impugned order and evidence in the suit has not yet commenced, I do not think this is a case wherein interference under the discretionary powers of this court is called for.

4. As such, the writ petition stands rejected.

5. Learned advocate for the petitioner points out that originally the suit had been filed in the year 2006 and several amendment applications had been filed from time to time and the suit is procrastinated by the plaintiffs. He, submits that the suit has been re-numbered in 2012. He, therefore, requests for expeditious disposal of the suit.

6. Having regard to aforesaid, the trial court may proceed with the suit and dispose of the same as expeditiously as possible, preferably within a period of nine months from the date of receipt of writ of this order.

[SUNIL P. DESHMUKH, J.]