

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7599 OF 2015

SANTOSH JAIWANT MALI AND OTHERS
VERSUS
CHABUBAI JAIVANTA MITU MALI AND ANOTHERS

Advocate for Petitioners : Jadhavar Shivprasad G.

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CORAM : P.R.BORA,J.
DATED : 4TH JANUARY,2016

PER COURT :-

Heard learned counsel for petitioner. The petitioner has questioned the order dated 19/1/2015 passed by Civil Judge, Junior Division, Paranda in Regular Civil Suit No.295/2012 below Exh.27. Vide impugned order the learned trial Court has permitted the intervenor to carry out the amendment which was allowed vide order passed by the said Court on 14/12/2012 below Exh.14. The learned counsel appearing for the petitioner submits that though the intervenor has not assigned any sufficient reason in the application below Exh.27, the trial Court has allowed the said application. It is his further contention that no notice was issued and no copy of the said application was served on the present petitioner and without obtaining the say and without hearing the present petitioner impugned order has been passed.

2] I have perused the said application below Exh.27 as well as order passed below said application which has been impugned in the

present petition. The record shows that on the said application the learned Civil Judge has passed an order ***“Other side to say”***. The record further reveals that since no say was filed, the trial Court has allowed the said application. It is significant to note that the order dated 14/12/2012 passed below Exh.14 by which the application filed by intervenor was allowed has not been challenged by present petitioner. In such circumstances, it does not appear to me that any prejudice is likely to cause to the petitioner by further order, impugned in the present Petition, by which intervenor has been allowed to carry out the amendment. Petition is devoid of any substance, hence stands rejected.

(P.R.BORA,J.)

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