

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 9328 OF 2015

Omprakash Sitaram Agrawal and others .. Petitioners

vs

M/s R. Rajkotiya and Company and another .. Respondents

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Mr. Anand P. Bhandari, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.

DATE : 2nd May, 2016

ORDER :

1. Heard learned counsel for petitioners.
2. petitioners – original plaintiffs purport to be aggrieved by order dated 23-06-2015 whereunder application (Exhibit-252) for amendments to written statement by respondent no.1 – original defendant no. 1 in regular civil suit no. 198 of 2008 has been allowed by 6th Joint Civil Judge, Junior Division, Jalgaon.
3. Learned counsel has taken the court through various aspects of the matter, *inter alia*, that as a matter of fact the events under amendments sought to be carried out by defendant no. 1 in written statement may not affect his rights in the suit.

4. The court below has considered that the occasion for amendment has arisen subsequent to filing of the written statement and as such the amendment is allowed.

5. Taking into account relevant provisions, particularly Order VI, rule 17 of the Code of Civil Procedure, 1908 and the proviso thereto, I do not think that it is a case wherein discretion as has been exercised by the trial court deserves interference.

6. Writ petition, as such, is not being entertained and is rejected. However, it may be noted that the suit has been filed way-back in 2008 and the same is pending yet.

7. Despite service, respondents have not caused appearance in the case. Learned counsel for petitioners makes a request that the suit be directed to be disposed of at an early date.

8. In view of pendency of suit since 2008, it would be appropriate if trial court proceeds with suit expeditiously and disposes it of preferably within a period of nine months from the date of receipt of writ of this order.

SUNIL P. DESHMUKH,
JUDGE

pnd