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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 724 OF 2015

Mr. Avinash Devidas Jeurkar & Anr. ... Petitioners.

V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Surel Shah for the Petitioners.

Mr. Ajay Joshi a/w. S.P. Rajepandhare for Respondent 3.

CORAM : N.M. Jamdar, J.

22 August, 2016.

Oral Order :-

The Petitioner challenges the order below Exhibit 69 in Regular Civil Suit No. 57 of 2013 passed by the Civil Judge, Senior Division, Malshiras dated 13 November 2014 allowing the Respondents to file additional written statement in view of subsequent events.

2. The learned Counsel for the Petitioner submitted that the Respondent should have filed an amendment application as they

are trying to resile away from various admissions they have made in their earlier written statement. I have considered this submission. The learned Civil Judge has given an opportunity to the Respondents to file additional pleadings.

3. In view of subsequent events in the equity jurisdiction of this Court, I am not inclined to interfere with the impugned order. However, if the Respondents, by way of the additional pleadings are attempting to resile away from their admissions given in the earlier written statement, then the learned Civil Judge will take that position into consideration at the time of hearing of the suit and this aspect of the matter is kept open.

4. Since this clarification adequately protects the interest of the Petitioner, it is not necessary to pass any further orders. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)