

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3352 OF 2015
IN
WRIT PETITION NO.1188 OF 2014

Sanjay Maruti Sawant ... Applicant
Vs.
Rishikesh Builders & Developers through its
PoA Holder Shailesh M. Karwa and others ... Respondents

Mr. Sarang S. Aradhye for Applicant.
Mr. G. S. Godbole, Senior Advocate i/b. Mr. Parag Tilak for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 13, 2016

P.C. :

Heard Mr. Aradhye, learned Counsel for the applicant and Mr. Godbole, learned Senior Counsel for opponent No.1 - original petitioner.

2. By this application, the applicant seeks extension of time to carry out amendment as per order dated 11.07.2014 passed by this Court in Writ Petition No.1188 of 2014. That Petition was instituted by opponent No.1 Hrishikesh Builders and Developers challenging the order passed by the trial Court rejecting its application for impleading opponent No.1 as party defendant. By order dated 11.07.2014, this Court allowed the Petition filed by the opponent No.1 and set aside the trial Court's order dated 21.12.2013 below exhibit-13. The applicant was directed to amend the plaint within 3 weeks from the date of the order i.e. on or before 01.08.2014.

3. Mr. Aradhye submitted that out of sheer inadvertence, the

applicant did not comply order dated 11.07.2014 passed by this Court. He assures that within 1 week from today, applicant will carry out the amendment and in case, the amendment is not carried out, the Suit may be treated as dismissed in absence of the necessary party.

4. In view thereof, time stipulated in the order dated 11.07.2014 is extended upto and inclusive of 22.01.2016. It is expressly made clear that if the applicant does not amend the plaint on or before 22.01.2016, as per order dated 11.07.2014, the Suit shall stand dismissed for not impleading the necessary party without further reference to the Court. Civil Application is allowed.

5. All the parties including the trial Court to act on the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab