

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.18812 OF 2015

Anant Dattatray Upadhye and another

.. Petitioners

Versus

Rajani Rajaram Upadhye and others

.. Respondents

Mr. K. P. Lad, for the Petitioners.

Mr. S. M. Kamble, for the Respondent No.1.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.2 & 3.

CORAM : R.M. SAVANT, J.

DATE : 3rd MAY 2016

PC.

1. The order dated 05.01.2015 passed by the Additional Commissioner, Pune Division, Pune, rejecting the application for amendment is taken exception to by way of the above Petition. The application has been rejected by a non-speaking order which is to the following effect :-

“Request rejected.”

In my view, having regard to the non-speaking order that has been passed, the impugned order dated 05.01.2015 is required to be quashed and set aside and the matter is required to be relegated back to the Additional

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Commissioner, Pune Division, Pune, for a de-novo consideration of the application for amendment. The Additional Commissioner, Pune Division, Pune, would be well advised to pass a speaking order either in case if the application is allowed or is rejected. The Learned Counsel appearing for the Respondent No.1 has no objection to the said course of action being followed. The Petition is allowed to the aforesaid extent and to accordingly stand disposed of.

[R.M. SAVANT, J]