

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3185 OF 2015
IN
WRIT PETITION NO. 5719 OF 2015**

Triloksingh Pahlajsingh Rajpal

..Applicant

Vs.

Gangabai widow of Devshi Khone & Ors

..Respondents

**WITH
CIVIL APPLICATION NO.3186 OF 2015
IN
WRIT PETITION NO. 5720 OF 2015**

Smt. Hardevi widow of Pahlajsingh Rajpal

..Applicant

Vs.

Gangabai widow of Devshi Khone & Ors

..Respondents

Mr. S. Shamin i/b Shamim & Co. for the Applicant in Civil Application No.3185 of 2015 and for the Respondent No.2 in Civil Application No.3186 of 2015

Mr. Cyrus Ardhesir i/b Mr. D. M. Thakur for the Applicant in Civil Application No.3186 of 2015

Mr. D. M. Joshi for the Respondent Nos.1D to 1F in both the Civil Applications

Mr. Dhananjay Shukla i/b Mr. M. U. Pandey for the Respondent No.3 in both the Civil Applications

**CORAM : R. M. SAVANT, J.
DATE : 29th FEBRUARY, 2016**

P.C.

1 The above Civil Applications have been filed in the above Writ

Petitions seeking amendments which are identical in nature. The above Writ Petitions take exception to the same order i.e. order dated 17-1-2015 passed by the Appellate Bench of the Small Causes Court confirming the order passed by the Trial Court. The said amendments are sought on the ground that the facts which would have a bearing on the adjudication of the above Writ Petition are sought to be brought on record and which have transpired during the pendency of the above Petitions.

2 The Learned Counsel appearing on behalf of the Respondent Nos.1(a) and 1(f) in both the Petitions opposes the above Civil Applications on the ground that the entire set of facts which cover the events which have taken place post the passing of the decree of dismissal by the Lower Appellate Court are not brought on record. The Learned Counsel also seeks to make submissions on merits of the case sought to be introduced by way of the amendments .

3 In my view, it is not necessary to carry out the said exercise at this stage as the Writ Petitions are pending admission, it would be just and proper to allow the above Civil Applications and permit the Applicants to amend the Writ Petitions so as to incorporate averments sought vide the schedule to the above Civil Applications. The Respondents would undoubtedly be entitled to file their replies to the original Petitions as well as to the amended Petitions.

The same to be done within two weeks of the amendment being carried out. Amendment to be carried out within one week both in the registry as well as in the copies of the Respondents. The Civil Applications are accordingly disposed of.

[R.M.SAVANT, J]