

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9104 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ashok M. Misal for the petitioner

Mr.Shivaji A. Masal for the respondent nos.2 and 4

CORAM : K. K. TATED, J.

DATE : AUGUST 3, 2016

P.C.:

1 Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 Heard the learned counsel for the parties.

3 By this Petition under Article 227 of Constitution of India, the petitioner defendant is challenging the order dated 19.8.2014 passed by Joint Civil Judge, Junior Division, Kavathemahankal, below Exhibit-52 in Regular Civil Suit No.95 of 2008 rejecting defendant's application under Order VI Rule 17 of the Civil Procedure Code, 1908 for carrying out amendment

in written statement.

4 The learned counsel for the respondent plaintiff submits that during the pendency of the present Writ Petition, Trial Court passed order on 11.7.2016 declining defendant's right to cross-examine and lead evidence. He placed on record photocopy of the said order. Same is taken on record and marked 'X' for identification.

5 The learned counsel for the respondent plaintiff submits that in view of subsequent development, nothing survives in the present Writ Petition and same is required to be dismissed with costs.

6 I have heard the learned counsel for the parties at length.

7 There is no dispute between the parties that Trial Court has already framed issue and passed order on 11.7.2016 to the effect that no cross-examination and no evidence by the defendant. Matter is kept for final hearing on 6.8.2016.

8 In view of subsequent development, I do not find any substance in the present Writ Petition.

9 Writ Petition is rejected.

JUDGE