

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 424 OF 2017**

SANTOSH R. RAMNATHKAR AND ANR., Petitioners
Versus
SHRI NAGESH SHANKAR VELEKAR AND 12
ORS., Respondents

WRIT PETITION NO. 425 OF 2017

SANTOSH R. RAMNATHKAR ... Petitioner
Versus
DAMBAB SEVA SAMITI A SOCIETY REP.
BY ITS PRESIDENT SHRI VINOD VISHNU
SHIRODKAR AND 9 ORS., ... Respondents

Adv. Sandesh D. Padiyar for the Petitioners.

Coram:- M. S. SONAK, J.
Date:- 2nd May, 2017.

P.C.:

Heard Mr. Padiyar, the learned counsel for the petitioners. He submits that the plaintiffs/petitioners had earlier made avernments at para 10 of the plaint that they are the owners in possession and enjoyment of “undivided half of the suit property”. However, by order dated 27/1/2015, the plaintiff was permitted to delete the said avernment and thereafter claim that the plaintiffs are sole and exclusive owners of the suit property. He submits that the impugned order proceeds on the basis of the unamended plaint and takes

no cognizance of the amendment effected in pursuance of the order dated 27/1/2015.

2. If this is truly the position, the petitioners can be granted leave to apply for review of the impugned order. This will save time, which will otherwise be required to be spent in serving all the respondents to this petition. Further it is informed that the learned trial Court has been designated as a Pilot judge. In such circumstances, it will not be appropriate to stay the proceedings.

3. The learned trial Judge is however, required to take up the review petition at the earliest and consider the same in accordance with law and on its own merits.

4. These petitions are accordingly disposed of with liberty as aforesaid.

M. S. SONAK, J.

ap/-

