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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1296 OF 2012

IN

WRIT PETITION NO.4801 OF 1998

Dr. Balkrishna R. Hegde (since deceased)

through LRs & Ors.

..Applicants.

V/s.

Dr. Ramchandra K. Joshi (since deceased)

through LRs. & Ors.

..Respondents.

Mr.P.S. Dani, Senior Advocate i/b. Mr. G.H.Keluskar for the applicants.

Mr.A.S. Khandeparkar i/b. Mrs. Shilpa A. Joshi for the respondents.

CORAM : G.S.KULKARNI, J.

DATED : 31 July 2017

P.C.:-

Heard learned counsel for the parties.

2. This Civil Application is filed by the applicants / original respondents whereby the applicants seek a relief that they may be permitted to place on record the subsequent events, namely, that of

the respondents / original petitioners possessing 500 sq. ft. premises situated on the ground floor in the building 'Sukrut', 127, Dr. M.B.Raut Road, Shivaji Park, Dadar, Mumbai-400 028 and to allow the applicants to amend their written statement in the suit in view of the subsequent developments. The Civil Application has been opposed by filing reply affidavit on behalf of the respondents / original petitioners. The respondents would not dispute as to what is asserted on behalf of the applicants, however, it is submitted that this would not be a relevant contention which will support the case of the applicants. The defence is made out in paragraphs 8 to 16 of the reply affidavit. Rejoinder affidavit is also filed on behalf of the applicants opposing the pleas which are taken by the respondents / original petitioners.

3. Be that as it may, it will be in the interest of justice that the applicants are permitted to amend their written statement as prayed by the applicants to bring the subsequent events on record. The Civil Application is accordingly allowed in terms of prayer clause (a). No costs. Necessary amendment be carried out within a

period of two weeks from today. The amended copy be served on the respondents / original petitioners. All contentions of the parties on merits are kept open.

4. In view of the amendment as permitted by the present order, Mr.Khandeparkar, learned counsel for the respondents / original petitioners prays that he will take out necessary application for amendment of the plaint and he intends to take steps in that regard.

5. In the above circumstances, the Writ Petition is required to be adjourned. Place this petition after four weeks. In the meanwhile, if any Civil Application is filed by the respondents / original petitioners, the same be listed along with the Writ Petition on the adjourned date of hearing. Stand over to 21 August 2017.

(G.S.KULKARNI, J.)