

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6283 OF 2015

Pravin Abasaheb Gaikwad	...	Petitioner
Vs.		
Shankarrao Ramchandra Pawar & Ors.	...	Respondents

Mr. Shrinivas S. Patwardhan, for the petitioner
Mr. Kuldeep U. Nikam, for the respondents.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 6th November, 2017.

P.C.

Heard. Rule. Rule made returnable forthwith with consent of the parties.

2. The petitioner herein happens to be the original defendant No.3 in Special Civil suit No.203 of 2005. The plaintiff, after going through the written statement filed by the defendants, had filed an application seeking deletion of some portion of the plaint. The said portion, which was sought to be deleted, pertained to the possession of the suit property. The amendment application was allowed. The defendant being aggrieved by the said order, has filed the present Writ Petition.

3. The petitioner herein had filed an application seeking setting aside the order of "No W.S." The said application was filed on 29.10.2015

along with the written statement. In the said application, it was also submitted by the present petitioner that the petitioner intends to file a counter-claim. However, for want of instructions, it is not known as to whether the counter-claim is filed or not.

4. In any case, after taking into consideration the written statement and the counter-claim, if any, the learned Court i.e. the Civil Judge, Senior Division, Sangli, would frame issues accordingly and consider the same on its own merits. It is further clarified that the amendment seeking possession of the property shall not affect the merits of the matter and the issues in question will be decided as per merits. It is further made clear that this Court has not gone into the merits of the matter. The Petition stands disposed of since there is no question of setting aside the order allowing the amendment.

5. Rule is discharged. The Petition stands dismissed.

6. All contentions of the parties are kept open to be decided at the stage of the suit.

[SMT. SADHANA S.JADHAV, J.]