

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 384 OF 2017
WITH
CIVIL APPLICATION NO. 500 OF 2017

Mr Anant Jatin Modi ...Appellant
Versus
All India Institute of Local Self-Government &
Ors ...Respondents

Mr Mayur Khandeparkar, *i/b AA Walwaikar, for the Appellant.*
Mr Anant Jatin Modi, *Appellant present.*
Mr PK Dhakephalkar, Senior Advocate, *with Mr RA Shaikh, Mr*
MM Nair & Mr LS Shetty, i/b LS Shetty & Associates, for the
Respondents.

CORAM: G.S. PATEL, J
DATED: 28th July 2017

PC:-

1. On instructions and after having argued for sometime Mr Khandeparkar seeks leave to withdraw the Appeal. The Appellant is personally present in Court.
2. Mr Khandeparkar seeks liberty to amend the plaint to add a prayer for damages and corresponding supporting averments. Rather than further delay the matter by requiring the Plaintiff to file

a Chamber Summons and obtain an order on it, by consent, leave to amend is hereby granted. The Appellant will be at liberty to amend the plaint. The City Civil Court will permit the amendment on production of an authenticated copy of this order. The amendment is to be carried on or before 28th August 2017 and copy of the amended plaint will be served on the Advocates for Respondents (Defendants) within one week thereafter.

3. Also by consent, the Suit is expedited. The Defendants will be at liberty to file a supplementary written statement to deal with the amendment. Parties will appear before the Trial Court on 8th September 2017 and obtain the necessary directions for filing the additional written statement, fixing a date for framing issues, fixing a date for filing evidence, discovery and inspection and if possible for filing evidence under trial.

4. The Trial Court is requested to dispose of the suit at its earliest possible. It appears to me that the issues are narrow and the evidence is not likely to be extensive or very complicated. If possible, the Trial Court may endeavour to dispose of the suit on or before 30th April 2018.

5. The Appellant is currently occupying the official quarters of the 1st Respondent institute. He undertakes to vacate this accommodation by 14th August 2017 and to deliver the keys of the premises through his Advocate to the Advocate for the Respondent in the City Civil Court under an appropriate covering letter.

6. The suit will be considered on its merits uninfluenced by the interim order. All reliefs sought by the Plaintiff will be fully considered.

7. The Appeal is disposed of in these terms. No costs.

8. In view of the disposal of the Appeal, the Civil Application does not survive and is disposed of accordingly.

(G. S. PATEL, J.)