

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3019 OF 2017

Shri Padmakr Bama Mhatre

...Petitioner

Versus

Mr.Sharad Bhalchnadra Mankame & Ors.

...Respondents

.....

Mr.Prakash Ganpati Lad for the Petitioner.

Mr.Rohit Joshi for the Respondents.

.....

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MAY 4, 2017**

P.C. :

1. Rule. Rule made returnable forthwith. By consent, the Petition is heard finally and disposed of at the stage of admission.
2. In this petition under Article 227 of the Constitution of India the order dated 15.09.2016 passed by the learned Civil Judge, Senior Division, Panvel allowing the application for amendment under Order VI Rule 17 of the Code of Civil Procedure filed by the original defendant i.e. respondent No. 7 is under challenge.
3. The learned counsel for respondent No. 7, who is main contesting party undertakes to file Vakalatnama during the course of hearing.

4. After hearing the submissions of both the parties, it is suggested that since last seven years, Special Suit No. 186 of 2011 is pending and the issues are not yet settled and at this stage, the amendment is preferred and allowed in the written statement. Therefore, in the interest of both the parties to proceed further and get the Suit expedited and therefore, this amendment can be allowed. This Petition is hereby disposed off with the following order:-

ORDER

- (i) The impugned order dated 15.09.2016 passed by the learned Civil Judge Senior Division, Panvel is maintained.
- (ii) The trial Court to settle the issues and proceed with the recording of evidence. The parties to co-operate with the trial Court to expedite the Suit.
- (iii) The trial Court to expedite the Suit preferably within one year.

(MRIDULA BHATKAR, J.)