

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 4907/2015

(SHRI NITIN VIJAY BANSAL -vs- SHRI VASANT MAROTI GANDHARE AND OTHERS)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.S. Jaiswal, Sr. Counsel & Shri R.B. Mehadia, counsel for
petitioner.

Shri P.P. Kothari, counsel for respondent nos.1 to 3.

CORAM: SHRI S.C. GUPTE, J.

DATE : AUGUST 14, 2017.

Heard learned counsel for the parties.

After the writ petition is heard at some
length, it is agreed between the parties that it can be
disposed of finally in terms of the following order.

(i) The impugned order of the Civil Judge (Sr. Dn.),
Nagpur dated 07/04/2015 is quashed and set aside.

(ii) The petitioner (original plaintiff) withdraws his
application for amendment of the plaint vide Exh.29.

(iii) The petitioner (original plaintiff) will be at liberty
to file a fresh suit on the basis of the cause of action
contained in his application for amendment (Exh.29).

(iv) All rights and contentions of the parties in such fresh suit including the question of limitation shall be kept open, except that the period between 04/07/2014 and today's date, shall stand excluded as time taken for bonafide prosecution of the suit in a court which lacks jurisdiction.

The petition is disposed of in above terms.

No order as to costs.

JUDGE

Yenurkar