

WRIT PETITION NO. 12577 OF 2018

Sheknath Eknath Malode ... Petitioner

Versus

Jayshree Vithal Jadhav & Ors. ... Respondents

...

Mr.S. S. Ghumare, Advocate for the Petitioner

• • •

Coram : N.M. Jamdar, J.

Date : 26 November 2018

Oral Order:

The application filed by the petitioner for deletion of certain portion of the written statement has been rejected by the learned Civil Judge, Junior Division, Khultabad. The suit filed by the respondent-plaintiff in the year 2012 was decreed. Thereafter in appeal, the same was remanded on 13.09.2017. At this stage, the petitioner wants to delete certain portion of the written statement. In the application, no ground is given for delay. It is the contention of the petitioner that the portion which is sought to be deleted is ambiguous. If there is any ambiguity, the petitioner can always explain the same during the

argument before the learned Judge. The learned Judge has, prima facie, observed that the deletion would change defence of the petitioner. It is also not the contention of the petitioner that the averments in the written statement, which are to be deleted, of substantial nature but only that they are ambiguous. As stated above, the ambiguity can be explained during the arguments. In these circumstances, the use of discretion by the learned Civil Judge, need not be interfered. The Writ Petition is, accordingly, disposed of.

N.M. Jamdar, J.

Sameer//