

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3097 OF 2017

Vilas P. Kamble

...Petitioner

V/s.

Chandar M. Kamble, since deceased
through His L.Rs. - Rajaram C. Kamble,
since deceased through His L.Rs. -
Kusum R. Kamble & Ors.

...Respondents

Mr.Sandesh Patil with Mr.Chintan Shah I/b Mr.Jeet Gandhi for the
Petitioner.

Mr.Ranjeet Patil for the Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA, J.

DATE : 15TH OCTOBER, 2018.

P.C. :-

1. The petitioner has impugned the order dated 27th October, 2016 passed by the learned Trial Judge allowing the application filed by the original plaintiffs under Order I Rule 10 of the Code of Civil Procedure, 1908 belatedly. A perusal of the order dated 27th October, 2016 indicates that the learned Trial Judge while deciding the said application has not recorded any reasons and has not considered the objections raised by the petitioner in the said application filed by the original plaintiffs under Order I Rule 10 of the Code of Civil Procedure, 1908. The impugned order dated 27th October, 2016 is

thus quashed and set aside. The application filed by the original plaintiffs (Exhibit – 107) is restored to file. Learned Trial Judge shall consider the pleadings and the arguments of both the parties and pass a fresh order in accordance with law after recording reasons expeditiously. Both the parties are directed to co-operate with each other and also with the learned Trial Judge in hearing the application expeditiously and not later than two months from the date of communication of this order.

2. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs. In view of this Court having set aside the impugned order dated 27th October, 2016, the amendment to the plaint, if carried out shall be deleted for the time being. All the contentions of both the parties on merits are kept open.

(R.D. DHANUKA, J.)