

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

WRIT PETITION NO.7307 OF 2016

Kesarinath Bhiva Patil

.. Petitioner

Vs.

Deepak Naran Chaudhari & Ors.

.. Respondents

Mr.Surel Shah i/by Ashoka Law Firm for the petitioner.

Mr.Rohit Sakhadeo for the respondent nos.5 to 7.

CORAM : R.D. DHANUKA, J.

DATE : 23rd August 2018

P.C.:

. By this petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 10th June 2016 passed by the learned Trial Judge rejecting the application below Exhibit-102 and allowing the Exhibit-103 filed by the contesting respondent nos.3 and 4. The main grievance made in the petition is that though this Court had granted specific period to the contesting respondent nos.3 and 4 to file additional written statement to the amended plaint, the contesting respondent nos.3 and 4 did not file written statement within the time prescribed and without seeking further extension of time from this Court directly filed additional written statement.

2. I have perused the record with the assistance of the learned counsel for the parties. Learned trial Judge has permitted the contesting respondent nos.3 and 4 to file additional written statement, though the contesting respondent nos.3 and 4 did not obtain further extension of time from this Court for filing additional written statement.

3. No case is made out by the petitioners for interference of the order passed by the learned trial Judge to allow the respondent nos.3 and 4 to file additional written statement on record. In my view, no prejudice would be caused to the petitioners in view of the impugned order passed by the learned trial Judge.

4. The contesting respondent nos.3 and 4 are directed to pay a costs of Rs.10,000/- to the petitioners within two weeks from today without fail. The respondent nos.3 and 4 are directed to produce proof of payment of costs before the trial Court. It is made clear that if the order passed by this Court is not complied with by the respondent nos.3 and 4, the trial Court shall not allow the respondent nos.3 and 4 to rely upon the additional written statement. Writ petition is disposed of in aforesaid terms. The petitioner is directed to convey this order to the respondent nos.3 and 4 for compliance. Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.