

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

WRIT PETITION NO.3506 OF 2016

Smt.Shevantabai Gundappa Kamble and ors. ... Petitioners

Vs.

Shri.Rangrao Shripati Aabdar and ors. ... Respondents

None for the Petitioners.

Mr.Amit Borkar for the Respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 20, 2018.

P.C. :

1. By order dated 6th October 2016, it was made clear that this petition will be disposed of finally at the stage of admission.
2. Accordingly, Rule. Rule is made returnable forthwith.
3. The challenge in this petition is to the order dated 28th December 2015, by which the learned Civil Judge Junior Division at Radhanagri has rejected the petitioners' application at Ex.28 seeking amendment/addition of parties. The impugned order dated 28th December 2015, reads as follows:-

“Heard Ld.Adovcate for Plaintiff.

No grounds mentioned to add party as prayed.

Hence application Exhibit 28 stand rejected.”

4. From the aforesaid, it is clear that the impugned order contains no reasons whatsoever. This is, certainly, not a manner to deal with and dispose of application made by parties. On this short ground, and without going to the merits of the matter, the impugned order dated 28th December 2015, is set aside.

5. The learned Civil Judge is directed to reconsider the application at Ex.28 after afford of opportunity of hearing to all the parties and thereafter, dispose of the application at Ex.28 in accordance with law and on its own merits, but this time, by indicating the reasons for disposal.

6. It is clarified that this Court has not adverted to the merits of the matter and therefore, all the contentions of all parties are kept open for adjudication before learned Civil Judge Junior Division at Radhanagri.

7. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

8. All concerned to act on the basis of authenticated copy of this order.

(M.S.SONAK, J.)