

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 3681 OF 2018

Mr. Raghunath Laxman Gachke
(since deceased) through LRs.

1(a) Mr. Anil R. Gachke and another.

...Petitioners

Versus

Shri. Venkatesh Ramchandra Velangi
(since deceased) Through LRs.

1(a) Shri Rajendra Venkatesh Velangi
and others.

...Respondents

....

Mr. G.S. Godbole, Senior Advocate i/b. Kaustubh Thipsay, Advocate for
the Petitioners.

Mr. Rajendra Dhuru a/w. Ms. Bhakti Kansara Amruta V. Athavale,
Advocate for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 06th JUNE, 2018

P.C.

1. Heard Mr. G.S. Godbole, learned Senior Counsel for the
petitioners and Mr. Rajendra Dhuru, learned Counsel for the
respondents, at length.

2. By this Petition under Article 227 of the Constitution of India,
the petitioners have challenged the judgment and order dated
29.1.2018 passed by the Appellate Bench of the Small Causes Court at
Bombay below Exhibit-74 in (A-1) Appeal No.483/2007. By that order,

the Appellate Court rejected application Exhibit-74 made by the defendants for amending written statement of defendants No.1(a) and 1(b) filed in R.A.F. Suit No.286/583 of 1997. Mr. Godbole states that petitioner No.1(b) Ms. Pratibha Dadarkar is present in the Court. Apart from that he submits that in view of the findings recorded by the Appellate Court in paragraph-13 of the order dated 12.12.2017 below Exhibit-63 to the effect “Thus, in view of admission of the respondents particularly in respect of flat Nos.5, 7 and 8 we do not find any necessity of evidence being led”, he is not pressing this Petition.

3. On the motion made by Mr. Godbole, the Petition is dismissed as not pressed. Notwithstanding disposal of the Petition, the Appellate Court is requested to decide Appeal No.483/2007 within four months from the production of authenticated copy of this order.

4. List the Petition for reporting compliance by the Appellate Court after four months. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)