

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

WRIT PETITION No.7713 OF 2018

Purushottam Ramkrishna Gosavi
(Ramdasi) & Anr.

...Petitioners

Versus

Suman Bharat Gosavi & Ors.

...Respondents

.....

Mr.Prabhakar M. Jadhav for the Petitioners.
Mr.Veerdhaval Kakade for Respondent Nos. 1 and 2.
Mr. A.R.Metkari, AGP for the State/ Respondent No.3

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 19, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. The petitioners are the original defendant Nos. 9 and 10 and respondent Nos. 1 and 2 are the original plaintiffs.
3. No WS orders were passed on 2nd December 2015, 3rd March 2016, 9th February, 2017 and 19th August, 2017.

4. These orders were not challenged by defendant Nos. 9 and 10 earlier and now, they are challenged these orders and also the order dated 19th August, 2017 passed by the learned Civil Judge, Senior Division, Malshiras whereby the learned Judge has passed the order that the matter to proceed without additional WS in Regular Civil Suit No. 33 of 2013.

5. The learned Counsel for the petitioners has submitted that while allowing Writ Petition No. 924 of 2017, this Court by order dated 14th July, 2017 directed the plaintiffs to carry out the amendment within a period of two weeks and the written statement is to be filed within a period of four weeks. The trial Court has considered four weeks from the date of the order dated 14th July, 2017 passed in the said Writ Petition. However, four weeks are to be counted after two weeks' time given to the plaintiffs to carry out amendment in the plaint. Thus, four weeks got over on 24th August, 2017. The plaintiffs have not objected to file additional written statement.

6. Heard the learned Counsel for the respondents.

7. In view of this, I allow this Petition. The orders dated 2nd December 2015, 3rd March 2016, 9th February, 2017 and 19th August, 2017 passed by the learned Jt. Civil Judge, Senior Division, Malshiras are hereby set aside. The petitioners/defendant Nos. 9 and 10 may file their additional written statement, if they want on or before 4th August, 2018 in the trial Court.

8. The learned Counsel for respondent Nos. 1 and 2 wants to file Vakalatnama.

9. Registry to accept Vakalatnama.

(MRIDULA BHATKAR, J.)