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

WRIT PETITION NO. 7112 OF 2017

Ulhas Harishchandra Dhargalkar	... Petitioner
<i>Versus</i>	
Padmakar Vasant Desai & Anr.	... Respondents

Mr. Omprakash Pandey, for the Petitioner.
Ms. Duhita Desai, I/b. Mr. Sandeep V. Mahadik for Respondent
Nos. 1 and 2.

CORAM: MRS. MRIDULA BHATKAR, J.
DATE: JUNE 19, 2018

PC:-

1. Upon urgent mentioning, taken on Production Board.
2. This Writ Petition is directed against the order dated 20th April, 2017 passed by the learned Judge, City Civil Court at Dindoshi, Borivali Division, Mumbai thereby allowing Chamber Summons No. 381 of 2017 in S.C. Suit No. 72 of 2013.
3. The respondents, who are the original plaintiffs, have filed Chamber Summons under Order 6 Rule 17 of the Code

of Civil Procedure and the same was allowed by the Court on 20th April, 2017. The petitioner, who is the original defendant, has filed reply challenging the said amendment. However, the learned Judge of the trial Court has allowed the Chamber Summons without considering the contentions raised in the reply. Hence, this Writ Petition. During the pendency of this Petition, no stay was granted to the impugned order.

4. It is informed by the learned Counsel for the respondents that pursuant to the order dated 20th April, 2017 passed by the learned Judge of the trial Court in Chamber Summons No. 381 of 2017, the amendment is carried out in the plaint and now, the matter is fixed for evidence.

5. The learned Counsel for petitioner has pointed out that the issues were framed on 7th September, 2017 i.e., prior to amendment to the plaint. He has further submitted that the petitioner be allowed to file additional written statement and accordingly additional issues be settled.

6. The submissions made by the learned Counsel for the petitioner are found correct and hence, Writ Petition is disposed of with following order.

ORDER

The petitioner / defendant is allowed to file additional written statement in view of the amendment within a period of three weeks from today and thereafter, the Trial Court may settle the additional issues, if required. The trial Court to proceed with the matter.

(MRIDULA BHATKAR, J.)