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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10935 OF 2014

Mangalprabhat G. Lodha

...Petitioner

V/s.

Narmada J. Patil & Ors.

...Respondents

Mr.Vishal kanade with Ms.Prachi Dhanani and Ms.Nikita Panse I/b
Veritas Legal for the Petitioner.

Mr.B.H. Goswami for the Respondent No.1.

Mr.K.K. Malpathak for the Respondent No.2.

CORAM : R.D. DHANUKA, J.

DATE : 18TH SEPTEMBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 25th August, 2014 passed by the learned Trial Judge rejecting the application for amendment filed by the petitioner (original defendant no.21). Learned counsel appearing for the original plaintiff on instructions states that his client has no objection if the impugned order passed by the learned Trial Judge rejecting the application filed by the petitioner (original defendant no.21) is quashed and set aside and the said application (Exhibit – 119) is allowed by this Court. The statement is accepted.

2. I therefore, pass the following order :-
- a). The impugned order dated 25th August, 2014 passed by the learned Trial Judge below Exhibit – 119 is quashed and set aside. The application (Exhibit – 119) filed by the original defendant no.21 is allowed. The amendment to be carried out within four weeks from today. The amended copy of the written statement shall be served upon the plaintiffs' advocate as well as upon the other contesting defendants within two weeks from the date of carrying out amendment.
- b). Hearing of the Special Suit No.496 of 2005 is expedited.
- c). Learned Trial Judge is directed to dispose of the said special civil suit within one year from the date of communication of this order.
- d). The parties are directed to co-operate with each other and also with the learned Trial Judge in disposing of the said special civil suit.
3. The writ petition is accordingly disposed of in aforesaid terms. There shall be no order as to costs.

Vasant
Anandrao
Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.09.19
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(R.D. DHANUKA, J.)