

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1839 OF 2016

SHAHAJI RAMLING MORE AND ANOTHERS
VERSUS
SHIVAJI RAMLING MORE AND OTHERS

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Advocate for Petitioners : Shri Chapalgaonkar S.G.
Advocate for Respondent 2 : Shri Deshmukh R.S. a/w Shri Kale Kunal

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2019

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PER COURT :-

1. I have heard the learned Advocates for the respective sides for quite some time. Issue is as regards an amendment to the Written Statement and the counter claim. On account of the pendency of this matter and in view of the ex-parte ad-interim relief, granted by this Court (Coram: V.K.Jadhav, J.) on 18.2.2016, RCS No.25 of 2005 has been stayed.

2. Learned Advocate for the original plaintiffs, submits on instructions, that if an amendment to the written statement and the counter claim is to be permitted, the plaintiffs desire to file an additional affidavit to contradict the amended portion. Same liberty can be granted to the remaining defendants 1 to 5, who are respondents herein.

3. In view of the above, this petition is partly allowed. The

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2-WRIT PETITION NO.1839 OF 2016

impugned order dated 5.10.2015 is quashed and set aside and application Exhibit 290 is allowed with the following directions:-

(A) An amendment to the written statement and the counter claim shall be made on/or before 15.2.2019 and freshly typed amended copy shall be tendered in the trial Court on/or before the same date.

(B) The original plaintiffs and other defendants are at liberty to file their additional affidavits in the plaint / written statement and the counter claim, as the case may be, on/or before 8.3.2019.

(C) The trial Court would consider the amended portions and would cast additional issues, if felt necessary, on/or before 30.3.2019.

(D) The litigating sides would, thereafter, proceed to lead additional evidence in view of the amendments and additional pleadings of the parties.

(E) The trial Court would decide RCS No.25 of 2005 on/or before 31.12.2019.

(RAVINDRA V. GHUGE, J.)

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