

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10809 OF 2019

JAHAGIRDAR SHABBIRKHAN PATHAN AND ANOTHER
VERSUS
JABIRKHAN SHABBIRKHAN PATHAN

Mr.B.R.Warma, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/08/2019

PER COURT :

1. The petitioner/original defendant No.2 is aggrieved by the impugned order dated 04/07/2019 passed by the Trial Court allowing application filed by the plaintiff seeking slight amendment to the pleadings in view of the report of the Court Commissioner pursuant to the order of this Court dated 16/10/2018 passed in WP No.11419/2018

2. This matter was heard for some time.

3. The petitioner submits on instructions that this petition can be disposed off by keeping the right of the petitioner open to file an additional written statement to the amended plaint.

4. In view of the above, this petition is disposed off. The Trial Court has recorded in the impugned order that the petitioner/defendant would be at liberty to file an additional written statement so as to oppose the amended portion in the plaint.

5. With this right available, the interest of the petitioner is secured. Moreover, the Trial Court would consider the entire pleadings of the parties and the oral and documentary evidence while deciding the suit.

(Ravindra V.Ghuge, J.)