

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 846 OF 2019

TULSHIDAS MADKAIKAR (DEC) THR.
LRS. AND ANR.,

... Petitioners

Versus

BEATRICE D'SOUZA (DEC) THR. HER
LRS., THR. HER CONST. ATT.,
MICHAEL COUTO AND 3 ORS.,

... Respondents

Mr. Suraj Rohidas Naik, Advocate for the Petitioners.

Mr. D. Patkar, Advocate for Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 1st October, 2019

ORAL ORDER:

The challenge in this Petition is to the order dated 20.10.2018, by which, the learned Trial Court has refused to grant time to the petitioners to file additional written statement, which was consequential to the amendment carried out in the plaint. Normally, when the plaintiff's amendment to the plaint is allowed, the petitioners ought to be granted reasonable opportunity to carry out consequential amendment to the written statement and/or to file additional written statement.

2. Mr. Patkar, the learned Counsel for the contesting respondent no. 1, in all fairness, states that the petitioners may be granted time, subject to the condition that the petitioners shall file the

additional written statement by the next date, which is on 12.11.2019.

3. Mr. Naik, the learned Counsel for the petitioners undertakes to file the additional written statement on or before 12.11.2019. The statement so made is accepted.

4. In the result, the Petition is allowed. The impugned order is hereby set aside. The petitioners are permitted to file additional written statement, on or before 12.11.2019. The suit is of the year 2009 and is an expedited matter. The learned Trial Court shall proceed with the suit and shall decide the same as expeditiously as possible and preferably within a period of one year from the receipt hereof.

In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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