

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6361 OF 2013**

Chandar N. Lakhani .. Petitioner
Versus
M/s. Prathamesh Construction and Ors. .. Respondents

Mr. Rajesh S. Datar for petitioner.
Mr. Prashant D. Patil for respondent No.1
Mr. Jagdish Mali I/b B.B. Sharma for respondent Nos. 3 to 5.

CORAM : K.K. TATED, J.

DATE : 28 FEBRUARY 2019.

P.C:-

- . Heard learned Counsel for parties.
2. Liberty granted to the petitioner to carry out amendment in the cause title of the petition.
3. Amendment to be carried out during the course of day.
4. After hearing for some time, both the counsel submitted Minutes of Order dated 28.02.2019 duly signed by advocate for petitioner and advocate for respondents. Same is taken on record and marked 'X' for identification. Same reads thus :

“1. The Petitioner has filed the above Writ Petition for challenging Order dated 8th July, 2013 passed by learned Civil Judge, Senior Division, Panvel on an Application below Exhibit-23 in Special Civil Suit No.183 of 2013 thereby rejecting the Petitioner's Application for impleadment as party defendant to Special Civil Suit No.183 of 2013.

2. By consent of the Petitioner and

Respondent No.1 who is the original plaintiff, Respondent Nos. 2 to 5 are permitted to be deleted from the array of the Respondents. The necessary amendment to be carried out forthwith.

3. By consent of the Petitioner and Respondent No.1, Application filed by the Petitioner below Exhibit-23 in Special Civil Suit No.183 of 2013 pending in the Court of Civil Judge, Senior Division, Panvel is allowed and Petitioner is directed to be joined as Defendant No.5 in the said suit.

4. Respondent No.1 Original Plaintiff shall carry out all the necessary amendment to the plaint in Special Civil Suit No.183 of 2013 and ancillary applications if any, within a period of four weeks from today and serve amended copy of the plaint and applications if any, upon the Petitioner i.e. Defendant No.5 within the aforesaid period of four weeks.

5. The learned Civil Judge, Senior Division, Panvel is directed to permit the Petitioner i.e. Defendant No.5 to file reply to the ancillary applications and the written statement in the suit within a period of four weeks from the date of service of amended copy of the plaint.

6. The learned Civil Judge, Senior Division, Panvel may recast the issues if framed in Special Civil Suit No.183 of 2013 in accordance with law in pursuance of filing of written statement and amendments (if any) made in the suit by the Petitioner/Defendant No.5 and Respondent No.1.

7. All contentions of the parties on merits are kept open and the learned Civil Judge, Senior Division, Panvel shall decide the Special Civil Suit No.183 of 2013 in accordance with law.”

5. Writ petition stands disposed of in terms of Minutes of Order.

6. No order as to costs.

(K.K. TATED, J.)