

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12638 OF 2017

Gulab @ Jaganath @ Jagdish Ramrao
Jahagirdar @ Gulab Amrutrao Deshmukh .. Petitioner

V/s.

Nandkumar Ramarao Jahagirdar and Ors. .. Respondents

Mr.Nitin Mulye for the petitioner

Mr.Bhushan Deshmukh for the respondent no.1

**CORAM: K.K. TATED, J
DATED : MARCH 6, 2019**

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner original defendant no.15 challenges the order dated 14.07.2017 passed by learned District Judge-2 Niphad below Exhibit 42 in Regular Civil Appeal No.25 of 2012 rejecting defendant no.15's Application for hearing the issue on validity of the rejection of his Application by the Trial Court for carrying out amendment in the written statement.

3 Admittedly, when the Trial Court rejected the Petitioner's Application for carrying out amendment in the written

statement, that was not challenged by the Petitioner before the appropriate court. He has raised one of the ground in Regular Civil Appeal No.25 of 2012 against the final judgment and decree passed by Trial Court in Regular Civil Suit No. 3 of 2011.

4 Considering the fact that Petitioner failed to challenge the earlier order of rejection of his Application for carrying out amendment in written statement and as Regular Civil Appeal is of 2012 and it is due for final hearing, I do not find any substance in the present Writ Petition to interfere in an order dated 14.07.2017. Hence, following order is passed:

- a. Writ Petition stands rejected.
- b. Hearing of Regular Civil Appeal No.25 of 2012 is expedited.
- c. Appellate Court, Niphad is directed to decide Regular Civil Appeal No.25 of 2012 as early as possible but in any case on or before 31.05.2019.

Parties to act on authenticated copy of this order.

(K.K. TATED, J.)