

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1291 OF 2019**

Sou. Bhimabai Vithal Kale ...Petitioner

Versus

Tatyabhai Kacharu Gorde & ors. ...Respondents

Mr. Ganesh Bhujbal, for the Petitioner.

Mr. Avinash B. Patil, for Respondent nos.1 and 2.

CORAM: N. J. JAMADAR, J.

DATED : 27th SEPTEMBER, 2019

PC :-

1. Heard Mr. Bhujbal, the learned Counsel for the petitioner and Mr. Patil, the learned Counsel for respondent nos.1 and 2.

2. This petition takes exception to an order dated 7th September, 2018, passed by the learned 4th Joint Civil Judge, Junior Division, Khed, on an application (Exhibit 65) in Regular Civil Suit No.69 of 2008, for amendment of the written statement preferred by the respondents – defendants, whereby the learned Civil Judge was persuaded to allow the application.

3. The trial court was of the view that the pleadings and the supporting documents which the defendants professed to introduce by way of amendment was necessitated by the decision of the revenue authorities in RTS revision, dated 6th September, 2017 and it was necessary to take cognizance of the said subsequent development.

4. In this view of the matter, no interference is warranted in the impugned order.

5. Mr. Bhujbal, the learned Counsel for the petitioner further made a grievance that the respondents – defendants have been making an endeavour to delay the disposal of the suit, which has been instituted in the year 2008. The attention of the Court was invited to the earlier application (Exhibit 52), which was withdrawn subsequently, and thereafter the instant application came to be preferred. It is further submitted that another application for amendment of written statement has been filed by the defendants during the pendency of this petition. Having regard to the pendency of the suit for more than 10 years, it would be expedient and in the interest of justice to direct the trial court to make an endeavour to dispose of the suit expeditiously.

6. The petition stands dismissed with a direction to the trial court to make an endeavour to hear and decide Regular Civil Suit No.69 of 2008, as expeditiously as possible and preferably within one year from the date of communication of this order.

7. All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]