FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5416/2019

(SANJAY PURUSHOTTAM POHANEKAR **VERSUS** MOHD. GOUS SHEIKH DADU)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri Aditya Satpute, counsel for petitioner.
Shri M. Deo, Advocate h/f Shri Rohit Joshi, counsel for respondent.

CORAM : A.S. CHANDURKAR, J.
DATE : NOVEMBER 26, 2019.

RULE. Heard finally with consent of counsel for the parties.

The original defendant who is aggrieved by the order passed by the trial Court below Exhibit 19 whereby the trial Court has rejected that application in which it was prayed that the application filed under provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908 be decided prior to adjudicating the application for amendment of the plaint.

This Court while issuing notice to the respondent had directed the trial Court to proceed with deciding the application for amendment below Exhibit 17.

In the light of these directions, the following order would serve the interest of justice:-

After the application below Exhibit 17 is decided, the party aggrieved is at liberty to challenge that order. Similarly, the defendant is at liberty to file a fresh application under the provisions of Order VII Rule 11 of the Code if he desires to seek rejection of the plaint. The order passed below Exhibit 19 would therefore not survive. Keeping the respective contentions open in that regard, the Writ Petition is disposed of.

Rule accordingly. No costs.

JUDGE

APTE