

2. The order passed in Writ Petition No.11747 of 2015 directs the petitioners to implead respondent No.35 as defendant to the suit within a period of six weeks. Pursuant to the said order, on 13/08/2019, the application to implead respondent No.35 as the defendant to the suit is allowed and the amendment is directed to be carried out.

3. On 21/09/2019, time to carry out the amendment is extended. Once again on 26/09/2019, extension of one week is granted to carry out the necessary amendment. But, since the amendment was not carried out despite the time granted, the application moved vide Ex-567 is rejected.

4. True it is, that the plaintiffs did not adopt due diligence in terms of the order granting amendment and impleading respondent No.35 as defendant in the suit and in one or the other reason has avoided to bring him on record. However, since it is being informed by learned counsel for the petitioners that the suit is still pending and, therefore, in order to avoid any prejudice to the parties, I deem it fit to afford one more opportunity to the petitioners to carry out the necessary amendment. Pertinent to note that the suit is of the year 1995 and the necessary amendment be carried out within a period of one week from today. This indulgence is however granted subject to payment of costs of R.10,000/- to be paid to respondent No.35, which shall be tendered to him on the date on

which he is impleaded as party defendant in the suit.

5. With the aforesaid direction, the writ petition is allowed. The impugned order assailed in the writ petition is quashed and set aside.

6. It is made clear that if the necessary amendment is not carried out within one week from today as directed, the trial court shall not give any further indulgence thereafter.

[SMT. BHARATI DANGRE, J.]