IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5465 OF 2016

Shri. Laxman Annappa Janave .... Petitioner
Vs.
Shri. Vijaysinh Raghunath Ingale .... Respondent

ALONGWITH
WRIT PETITION NO.8444 OF 2016

Shri. Laxman Annappa Janave .... Petitioner
Vs.
Shri. Babasaheb Pandurang Khodave .... Respondent

ALONGWITH
WRIT PETITION NO.8445 OF 2016

Shri. Laxman Annappa Janave .... Petitioner
Vs.
Rajesh Shivajirao Ghorpade .... Respondent

ALONGWITH
WRIT PETITION NO.8446 OF 2016

Shri. Laxman Annappa Janave .... Petitioner
Vs.
Sudhir Shankarrao Bhosale .... Respondent

ALONGWITH
WRIT PETITION (ST.) NO.7518 OF 2016

Shri. Laxman Annappa Janave .... Petitioner

Vs.

Shivaji Bhimrao Patil .... Respondent

Mr. Utkarsh Desai i/by Mr. Prashant Bhavake for Petitioners in all petitions.

None for Respondents

Coram : NITIN W. SAMBRE, J.
Date : 10TH FEBRUARY, 2021

P.C.:

1. All these petitions can be conveniently disposed of by this common order.

2. Though served, none appears for the Respondents/ Plaintiffs.

3. For the convenience, the facts as mentioned in Writ Petition No. 5465 of 2016 are taken into consideration.

4. The Respondents/Plaintiffs initiated proceedings for specific performance on the file of Civil Judge, Junior Division, Kagal. The Petitioner/Defendant filed his written statement and after the issues were framed, moved an application, Exhibit 18 for amendment of written statement. The said application came to be rejected vide order impugned dated 22nd January, 2016. As such, these petitions.

5. Heard learned counsel for the Petitioners. None for the Respondents.

6. The Respondents/Plaintiffs have chosen not to controvert the pleadings in the petition. Apart from above, the fact remains that even if the trial is commenced, the same is at the stage of cross-examination of the Plaintiff and that being so, no prejudice will be caused to the Respondents, in case the amendment in the written statement is granted.

7. By way of amendment, the Petitioner-Defendant is intending to bring on record the permissions and sanctions to be obtained relating to suit property.

8. Since those pleadings are very much germane for deciding real controversy between the parties, the Court below has committed an error in rejecting the application.

9. As such, these petitions are allowed.

10. The orders impugned below Exhibit 18 in Regular Civil Suit No. 5 of 2014, Exhibit 18 in Regular Civil Suit No. 6 of 2014, Exhibit 17

in Regular Civil Suit Nos. 4 of 2014, Exhibit 18 in Regular Civil Suit Nos. 2 of 2014 and Exhibit 17 in Regular Civil Suit Nos. 3 of 2014 all dated 22nd January, 2016 passed by Civil Judge, Junior Division, Kagal are hereby quashed and set aside.

11. The applications for amendment of written statement moved by the Petitioner-Defendant stands allowed.

12. Amendment be carried out within a period of four weeks from today. However, the same shall be subject to payment of costs of Rs.2,000/- to be deposited in each petition, which shall be condition precedent.

13. The Respondents-Plaintiffs shall be entitled to withdraw the said costs amount.

(NITIN W. SAMBRE, J.)