

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11547 OF 2022

Jaikumar Bankatlal Bakliwal .. Petitioner

Versus

Navalkumar Sitaram Bakliwal
and others .. Respondents

Shri Rahul G. Joshi, Advocate for the Petitioner.

**CORAM : SANDEEP V. MARNE, J.
DATE : 13TH DECEMBER, 2022.**

FINAL ORDER :

. This petition is filed challenging order dated 10.01.2022 passed by the 04th Joint Civil Judge Senior Division, Nanded rejecting petitioner's application for filing additional written statement.

2. It is contended by the petitioner that this Court passed following order in Writ Petition No. 07 of 2019 on 26.09.2016. Para Nos. 4 and 5 of the order reads as under :

4. In view of the above, this petition is partly allowed. The impugned order dated 22/10/2018 is modified. Instead of application Exh.158 being allowed, application Exh.134 would stand allowed and the "No W.S. order" dated 02/04/2016 shall stand set aside. The written statement filed by defendant No.1 dated 24/01/2018, which was tendered along with Exh.134, shall be taken on record.

5. In the event defendant No.5 moves an application for

seeking leave to file an additional written statement or to amend the written statement, the Trial Court would consider the said application strictly on its own merits and by considering the objections of the litigating sides.

3. It is contended that after passing of the above order, the plaintiff amended the plaint on 18.10.2019. On that ground additional written statement was sought to be tendered. In my view, consequent to the amendment in the plaint, the defendants will have all the rights to file additional written statement only to the extent of added portion in the plaint. However, what was sought to be done by the defendants was to raise additional pleas (not connected with the amendment) in the additional written statement.

4. The Trial Court has rightly rejected petitioner's application for filing additional written statement. The petition is devoid of merits. Same is dismissed without any order as to costs. However, it is clarified that defendants shall have liberty to file additional written statement only to the added paragraphs in the plaint by way of amendment.

[SANDEEP V. MARNE, J.]