

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

18 WRIT PETITION NO.6414 OF 2022

AMIT JAGANNATH RAUT AND ANOTHER
VERSUS
DATTU BAPU GUNJAL AND OTHERS

...
Advocate for Petitioners : Mr. Nagargoje Ankush N.
Advocate for Respondents : Mr. V. J. Bhide for R/1, 2A to 2 D
...

CORAM : M.G. SEWLIKAR, J.
DATE : 19th September, 2022

PC.:-

Heard.

2. Learned counsel for the petitioners seeks leave to withdraw prayer clause-B, as appeal lies against the said order. Leave to withdraw prayer clause-B is granted.

3. The suit is for specific performance of contract. The owner executed an agreement of sale in favour of the respondent nos.1 & 2A to 2D herein. Instead of selling the property to them the owner sold the property to defendant nos.4 & 5. Therefore, this suit came to be filed.

4. It appears from the submissions made by the learned counsel for the petitioners that entire evidence was over and thereafter the plaintiff filed

an application for amendment contending therein that defendant nos.4 & 5 i.e. the petitioners obstructed the possession of the plaintiff over the suit property. Learned trial Court allowed the application, it being a subsequent event. From the amendment application it appears that because of the subsequent event the amendment was necessitated. Therefore, there is no merit in the writ petition. At this stage, learned counsel for the petitioners submits that the trial Court may be directed to dispose of the suit within a specified period.

5. In the light of above, the writ petition is dismissed. No costs. The trial Court is directed to dispose of the suit within a period of four months from the date of receipt of writ.

[M.G. SEWLIKAR, J.]