

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
WRIT PETITION NO. 964 OF 2019**

CHIMUT BABU VELIP ... Petitioner.
VS
SONU BHIVA VELIP. ...Respondent.

Mr. A. D. Bhobe, Advocate for the Petitioner.

Mr. S. Redkar, Advocate for the respondent.

**CORAM: G. S. KULKARNI, J.
DATE: 22 SEPTEMBER 2022.**

P.C.:

1. I have heard the learned counsel for the parties.
2. It is quite clear that the application filed by the petitioner/plaintiff praying for amendment of the plaint which came to be filed on 17 June 2019, has been dismissed on the same day without the respondent being called upon to file a reply on the said application. The learned trial Judge has passed the following order as impugned:-

Heard Adv. for the plaintiff and the defendant. Perused records. Plaint has not stated why the present amendment is necessary to decide the controversy between the parties and hence same cannot be allowed, hence application is dismissed.

*Sd/-17.6.2019
CJJD "B" Court
Quepem.*

3. In my opinion, the learned Trial Judge ought to have called upon the

respondent/defendant to file a reply to such amendment application filed by the petitioner/plaintiff and thereafter should have taken up adjudication of the said application.

4. In such circumstances, the order dated 17 June 2019 is quashed and set aside.

5. The learned trial Judge is requested to hear the parties on the said application of the petitioner/plaintiff after the say of the respondent is filed and pass a fresh order in accordance with the law.

6. Let the say of the respondent/defendant be filed within a period of two weeks from today.

7. Let the plaintiff's application be adjudicated within two weeks from the date of filing of the defendant's say.

8. All contentions of the parties on merits are expressly kept open.

9. Writ Petition accordingly stands disposed of in the above terms. No costs.

G. S. KULKARNI,J.