

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5089 OF 2021

Sambhaji Balkrishna Zambre

..Petitioner

Versus

Chaya Balkrishna Zambre and Ors.

..Respondents

Mr. Kuldeep U. Nikam, for the Petitioner.

Mr. Ajinkya Udane, for the Respondent No.1.

CORAM : NITIN W. SAMBRE, J.

DATE : 10th JANUARY, 2022

PC.

1. Application Exh.67 moved by the petitioner/defendant seeking time to submit his reply to the application Exh.62 for amendment moved by the plaintiff/respondent was granted on 23rd February, 2021, in spite of above the Trial Court passed the impugned order granting amendment.

2. In the wake of above, since order passed below Exh.62 is contrary to the order passed below Exh.67, the impugned order dated 23rd February, 2021 passed below Exh.62 is quashed and set aside. The application Exh.62 stood restored to the file of the Court of Civil Judge Senior Division, Sangli.

3. The statement made by the counsel for the petitioner that he shall be filing reply to the application Exh.62 with an

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advance copy to the counsel for the plaintiff within one week from today is accepted as an undertaking to this Court.

4. Application Exh.62 as such be decided afresh on its merits.

5. The petition stands disposed of in the aforesaid terms.

[NITIN W. SAMBRE, J.]