

ATU

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7854 OF 2016

Mrs. Chhaya Anandrao Tivale

.. Petitioner

Versus

Mahadev Dadu Nikam and Ors.

.. Respondents

.....

Mr. Venkatesh A. Shastry, Advocate for the Petitioner.

Mr. Bhooshan R. Mandlik, Advocate for Respondent Nos.2 to 4.

.....

CORAM : MILIND N. JADHAV, J.

DATE : 23rd November, 2022.

P.C.:

. Heard Mr. Shastry, learned Advocate appearing for the Petitioner. Perused the order passed below Exh. 80 (page No.44 of the Petition), the application which was taken out by the Petitioner under Order 6 Rule 17 and Order 1 Rule 10 which is stated in paragraph No.1 of the said order.

2. Today, Mr. Shastry fairly submitted that in so far as his case with respect to amendment is concerned, he does not wish to pursue the same. However he seeks to assail the impugned order only in respect of the issue of impleadment under Order 1 Rule 10.

3. Mr. Mandlik submitted that he does not have any formal objection whatsoever regarding impleadment and has submitted to the orders of the Court.

4. In view of the above, order dated 22.01.2016 stands set aside to the extent in so far as impleadment of Order 1 Rule 10 is concerned. It is directed that names of parties appearing in annexure A3 at page No.34 of the Petition namely Suhash Nikam, Prashant Nikam, Vivek Nikam, Abhijit Nikam and Indrajeet Nikam be impleaded and added as Defendant Nos.6 to 10 in the pending Regular Civil Suit No.2453 of 2012.

5. Amendment shall be carried out by the Petitioner (plaintiff therein) within a period of two weeks in the record of the Trial Court. Once the amendment is carried out, copy of the amended plaint shall be served on the Defendants / newly added Defendants within a period of one week thereafter. For the purpose of compliance of this order parties shall present themselves before the learned Trial Court on 28th November, 2022 at 12:00 noon and seek directions.

6. With the above directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

AJAY
TRAMBAK
UGALMUGALE
Digitally signed by
AJAY TRAMBAK
UGALMUGALE
Date: 2022.11.24
19:18:47 +0530