

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12561 OF 2022

Dr. Mrs. Ilona John Aroojis

...Petitioner

Versus

Stephen Pereira & Ors.,

...Respondents

Mr. F. Reis, Senior Advocate i/b Shiny Roy, Advocate for
Petitioner.

Nigel Quraishy i/b Dushyant Krishnan, Advocate Respondents.

CORAM : R.I. CHAGLA, J.

DATE : 8th December, 2022.

ORDER :

1. Learned senior Counsel appearing for the Petitioner has upon advancing the arguments sought leave to withdraw Writ Petition in view of the observations made by this Court that it is always open for the Petitioner to lead evidence as well as file documents on the issue raised by the Defendants in the written statement, which is with regard to the Plaintiff occupying the suit premises by virtue of Agreement.

2. It is the Court's view that amendment is not required in the Plaint as this is a matter of trial. The Petitioner will be at liberty to lead evidence on the aforementioned issue as well as rely upon documents forming part of the schedule of amendment which had not been granted by the Court of Small Causes in order dated 17th January, 2013.

3. In view thereof, the Writ Petition is disposed of as withdrawn with aforementioned liberty granted to the Petitioner.

4. It is clarified that the rights and contentions of the parties are kept open.

[R.I. CHAGLA, J.]