

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 679 OF 2019

Tushar Himatlal Jani	... Applicant
V/s.	
M/s. Kerala Auto Repairs & Anr.	... Respondents

Mr. Y. S. Jahagirdar, Sr. Advocate a/w. Ms. Meena Shah i/b. Pandya & Co. for Applicant.
Mr. Ramson S. Dias for Respondent Nos. 1 & 2.

CORAM : NITIN W. SAMBRE, J.

DATED : 10th AUGUST, 2022

P.C.:

1. This revision is by the applicant/plaintiff in T.E. Suit No. 188 of 2016. The applicant/plaintiff has taken out the aforesaid suit based on a notice issued u/s. 106 of the Transfer of Property Act.
2. By way of Application Exhibit-32 the non-applicant/defendant no. 1 has sought to place additional written statement on record. The said prayer is partly allowed vide order 03/06/2019 thereby permitting the non-applicants to place on record the written statement except paragraph no. 15, subject to costs of Rs.2,000/-.
3. Mr. Jahagirdar, learned senior counsel appearing for the applicant would urge that by way of Exhibit-32 the additional written statement is ordered to be taken on record whereby the fresh and contradictory defenses are permitted to be raised, thereby

permitting covering of the lacunas.

4. Mr. Ramson appearing for the respondents support the order impugned.

5. I have appreciated the said submissions.

6. It appears that the additional written statement at Exhibit-32 is in nature of amplifying the stand/defense taken in Exhibit-15 i.e. earlier written statement. The Exhibit-32 is moved basically on the ground of incorrect legal advice.

7. The fact remains that the admissions given by the non-applicants in Exhibit-15 are not permitted to be deleted, however, such amendment to the written statement which are appropriate for deciding the issue raised in the plaint are permitted to be incorporated by way of additional written statement.

8. In that view of the matter, no case for interference is made out.

9. The revision is such fails and stands dismissed.

10. As a sequel of allowing the additional written statement at Exhibit 32 to be taken on record, it shall be open for the applicant to provide additional draft issues which the Trial Court shall deal with, in accordance with law. The suit being more than 5 years old hearing of the same is expedited.

(NITIN W. SAMBRE, J.)